HUMAN RIGHTS

The Realization of the Right to Development

Global Consultation on the Right to Development as a Human Right

UNITED NATIONS

World Campaign for Human Rights

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Centre for Human Rights
Geneva

The Realization of the Right to Development

Global Consultation on the Right to Development as a Human Right

Report prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/45

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Introduction

1. In its resolution 1989/45 of 6 March 1989, the Commission on Human Rights invited the Secretary-General to organize a global consultation on the realization of the right to development involving experts with relevant experience gained at the national level and representatives of the United Nations system, including its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights. The purpose of the consultation as set out by the Commission was to focus on the fundamental problems posed by the implementation of the Declaration, the criteria which might be used to identify progress, and mechanisms for evaluating and stimulating such progress. The Commission in that resolution also requested the Secretary-General to prepare suitable background documents to assist the consultation in its deliberations, and to submit the report on the global consultation to the Commission on Human Rights at its forty-sixth session.

2. The Economic and Social Council at its first regular session of 1989, in its decision 1989/141 of 24 May 1989, approved the Commission's invitation to the Secretary-General to organize the Global Consultation. The General Assembly for its part, in its resolution 44/62 of 8 December 1989 expressed its hope that the results of that global consultation would substantially contribute to the Commission's work on the implementation and further enhancement of the Declaration on the right to development.

3. The Global Consultation on the Realization of the Right to Development as a Human Right took place in the United Nations Office at Geneva from 8 to 12 January 1990. Leading experts in the various fields related to the subjects of the Global Consultation were invited to prepare short background papers and to participate in the Consultation by introducing their topics and by taking part in the ensuing discussions. In addition to the speakers under each item, representatives of specialized agencies, concerned units of United Nations secretariat, international trade, development and financial institutions, and non-governmental organizations were invited to participate. A special effort was made to ensure the participation of representatives of development-related non-governmental organizations and, in particular, those with direct experience of development projects. Each organization was requested to prepare a short paper of some 10-15 pages, outlining that organization's involvement in development with particular reference to the specific topics on the programme of the Consultation, including the issue of criteria for identifying progress in the realization of

the right to development and possible mechanisms for identifying and stimulating such progress.

4. The Consultation began with a round table exchange of views on Development and human rights, global perspectives and new policy directions which was intended to provide a framework for the ensuing debates of the Consultation. The following took part in this round table:

Mr. Jan Martenson

Under-Secretary-General for Human Rights

Mr. Alioune Sene

Chairman, Working Group of Governmental Experts on the Right to Development

Permanent Representative of Senegal to the United Nations Office at Geneva

Mr. Antoine Blanca

Director-General for Development and International Economic Co-operation

Mr. Kenneth K. S. Dadzie

Under-Secretary-General

Secretary-General of the United Nations Conference on Trade and Development

Ms. Edith Ballantyne

Secretary to the NGO Special Committee on Racism, Racial Discrimination, *Apartheid* and Decolonization

5. In addition to the round table exchange of views the following items were on the agenda of the Consultation:

THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT: GENERAL ISSUES

A. The right to development as a human right, self-determination and full sovereignty over natural wealth and resources; recent evolutions

Mr. Georges Abi-Saab

Professor at the Graduate Institute of International Studies, University of Geneva

B. Legal and political dimensions of the right to development as a human right

Mr. Antonio Augusto Conçado Trindade

Legal Advisor, Ministry of External Relations of Brazil

C. The right to development as a human right and international law: Critique of the concept of the right to development in international law

Mr. Alain Pellet

Professor at the University of Paris Nord and the Institute of Political Studies, Paris

D. Massive and flagrant violations of the human rights of peoples and human beings and the realization of the right to development as a human right

Mr. Vladimir Kartashkin

Professor at Institute of State and Law, Moscow

E. Respect of human rights and the realization of the right to development as a human right

Mr. Danilo Türk

Professor at the University of Ljubljana

Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

SPECIFIC EXAMPLES OF THE IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT

A. Women and the right to development as a human right

Ms. Phoebe Muga Asiyo

Member of the Kenyan Parliament

Goodwill Ambassador of United Nations Development Fund for Women

B. Indigenous peoples and the right to development as a human right

Mr. Hans Pavia Rosing

Member of the Danish Parliament for Greenland

C. The extremely poor and the right to development as a human right

Mr. Philippe Hamel

International Movement ATD Fourth World

D. Rural Legal Assistance and Development as a human right

Mr. Adama Dieng

Executive Secretary, International Commission of Jurists, Geneva

REALIZATION OF THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT AT THE NATIONAL LEVEL

A. National development policies and the realization of the right to development as a human right

Mr. Samir Amin

Director, Forum du Tiers Monde, Dakar, Senegal

B. Changes in the concept of the Welfare State and its impact on the right to development as a human right

Mr. Asbjørn Eide

Director, Norwegian Institute for Human Rights

Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

C. Intermediate structures and groups in the context of the right to development as a human right

Mr. Konrad Ginther

Professor at the Institute of International Law and International Relations, University of Graz, Austria

D. Popular participation and the realization of the right to development as a human right

Mr. Javier Iguiñiz

Centre for the Study and Promotion of Development (DESCO), Lima, Peru

E. Impact of *apartheid* on the right to development as a human right

Mr. Barney Pityana

Director, Programme to Combat Racism, World Council of Churches, Geneva

THE RIGHT TO DEVELOPMENT AS A HUMAN RIGHT AND INTERNATIONAL DEVELOPMENT POLICIES

A. International development policies, international organizations and the realization of the right to development as a human right

Mr. Clarence Díaz

International Centre for Law and Development, New York

B. International financial and trade institutions and the right to development as a human right

Mr. Franklin Canelos

Executive Secretary for Latin America Community Development Service Lutheran World Federation, Geneva

C. Right to development as a human right in the context of relations between developing and developed countries

Mr. C. M. Eya Nchama

Lecturer in African history Graduate Institute for Development Studies, University of Geneva

D. Impact of external debt and adjustment policies on the realization of the right to development as a human right

Ms. Leonor Briones

Professor of Public Administration at the University of The Philippines

President, Philippine Debt Coalition Network

E. Indigenous peoples and international development policies

Mr. Ted Moses

Chief, Grand Council of the Crees of Quebec

F. Human rights and human resources development

Mr. Russel Barsh

Professor at the University of Washington, Seattle

Director, Four Directions Council

IMPLEMENTATION AND FURTHER ENHANCEMENT OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Identification of:

A. Fundamental problems posed by the implementation of the Declaration on the Right to Development

Discussion leader: Mr. Kantilal L. Dalal

Rapporteur, Working Group of Governmental Experts on the Right to Development

B. Criteria for identifying progress in the implementation of the Declaration

Discussion leader: Mr. Asbjørn Eide

Director, Norwegian Institute for Human Rights

Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

C. Possible mechanisms for evaluating and stimulating progress in implementing the Declaration

Discussion leader: Mr. Danilo Türk

Professor at the University of Ljubljana

Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Review of conclusions and recommendations emerging from the Consultation

Chairman: Mr. Alioune Sene

Chairman, Working Group of Governmental Experts on the Right to Development

6. In connection with the decision of criteria for identifying progress in the implementation of the Declaration of the Right to Development, Mr. Marcos Arruda, Co-ordinator, Alternative Policies on the Southern Cone of Latin America (PACS) presented a paper.

7. Professor Upendra Baxi, Director, Research Department, the Indian Law Institute, New Delhi, had been invited to present a paper on "The Individual as the Central Subject of Development as a Human Right" in connection with the discussion of the realization of the right to development as a human right at the national level. Unfortunately, he was unable to travel to Geneva but he submitted a paper on the subject.

8. In addition to the experts listed above the following individuals having specialized knowledge of the subjects relative to the Consultation took part in the discussions:

Ms. Tatjana Ansbach

Assistant Professor at the Humboldt University, Berlin

Mr. Koffi Attignon

Permanent Secretary, Association Africaine d'Education pour le Développement (ASAFED), Lomé, Togo

Mr. Tamás de Szentes

Professor at the University of Budapest

Mr. Bala Tampoe

General Secretary, Ceylon Mercantile, Industrial and General Workers' Union, Colombo, Sri Lanka

Mr. Paul J. I. M. De Waart

Professor at the University of Amsterdam

Former member, Working Group of Governmental Experts on the Right to Development

Participants

9. In addition to the participants listed above, the following United Nations bodies were represented: Centre for Social Development and Humanitarian Affairs; United Nations Development Programme; United Nations Fund for Population Activities; Department of Public Information; United Nations Conference on Trade and Development (UNCTAD); Office of the United Nations High Commissioner for Refugees; International Labour Organisation; United Nations Organization for International Development; the World Bank (International Bank for Reconstruction and Development) and the International Monetary Fund.

10. The Organization of African Unity and the Commission of the European Communities were also represented.

11. The following bodies or organizations, although not represented at the Consultations, submitted written information on their activities relating to development: the Council of Europe; the Organization of American States; the Organization for Economic Co-operation and Development; the United Nations Advisory Committee on Science and Technology for Development and the United Nations Centre for Science and Technology for Development.

12. Thirty-six non-governmental organizations in consultative status with the Economic and Social Council were represented at the Consultation. In addition four other non-governmental organizations active in development and human rights were represented. Finally, 52 member States and one non-member State were represented at the Consultation. More than 200 persons attended the Consultation in one capacity or another.

13. The list of attendance is reproduced in annex I.

Documentation

14. Annex II contains a list of the documents circulated during the Consultation. A background document (HR/RD/1990/CONF.1) which traced the evolution of the principles found in the Declaration on the Right to Development from the United Nations Charter and the Declaration of Philadelphia to the most recent studies on the matter was prepared for the Centre for Human Rights by Ms. Tamara Kunanayakam. The main speakers on the programme of the Consultation presented written documents as did a number of participants and organizations. Statements made to the Consultation and which were available in written form were also circulated. In all some 54 documents were thus distributed.

15. During the Consultation a very wide range of issues were discussed and a wide variety of opinions were expressed. While it is not possible to reflect exhaustively in the present report these discussions, the following chapters seek to provide a summary of the main points made. A fuller and more detailed picture of the matters dealt with during the Consultation is contained in the papers presented to the Consultation; it is hoped that these papers will be published in book form in the near future.

I. Development and human rights: global perspectives and new policy directions

16. The Global Consultation opened with a round table exchange of views on Development and human rights, global perspectives and new policy directives in which Mr. Jan Martenson, Under-Secretary-General for Human Rights; Mr. Alioune Sene, Chairman, Working Group of Governmental Experts on the Right to Development; Mr. Antoine Blanca, Director-General for Development and International Economic Co-operation; Mr. Kenneth K. S. Dadzie, Under-Secretary-General, of the United Nations Conference on Trade and Development; Ms. Edith Ballantyne, Secretary to the NGO Special Committee on Racism, Racial Discrimination, *Apartheid* and Decolonization took part.

Statement by Mr. Martenson

17. In his opening statement, Mr. Jan Martenson reviewed the origins of the Global Consultation, the mandate given to it by the Commission and the place of the right to development in the overall work of the United Nations in the field of human rights. The Declaration on the Right to Development was adopted by the General Assembly in 1986, and in its preamble, it describes development as a comprehensive economic, social, cultural and political process, that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Reflecting on what was meant by the Right to Development as a human right, it must be noted first that development in the sense of the Declaration is much more than continuous increases in the leading economic indicators. Development is a many-faceted concept which encompasses the whole human being in all the aspects of her or his basic rights—be they economic, social or cultural or civil and political. It attempts to do this in the context within which the individual must live. Development means respect for human rights and the basic rights of the community to which she or he belongs and the access to the necessary resources for growth. Development is relevant to all individuals, whether they live in economically-favoured countries or in developing countries.

18. The Declaration established the right to development as an inalienable human right with the human being as the central subject of the right and provided that all the aspects of the right to development set forth in the Declara-

tion are indivisible and interdependent and this included expressly civil, political, economic, social and cultural rights. The text also reaffirmed the duty of States and of the international community to co-operate in ensuring development and in eliminating obstacles to development.

19. The specific standards in the Declaration had to be read in conjunction with many other human rights endorsements such as the Universal Declaration on Human Rights, International Covenants on Human Rights, the Proclamation of Tehran of 1968, the Declaration on Social Progress and Development proclaimed by the General Assembly in 1969; and the Universal Declaration on the eradication of Hunger and Malnutrition adopted by the World Food Conference in 1974 and endorsed by the General Assembly the same year. One conclusion was that the United Nations human rights instruments spell out standards which oblige governments and international organizations to respect the right to development as a human right, with all of its components and all other human rights in the process, and to create the conditions necessary for the realization of these rights. Thus, a sound normative basis existed for moving on to implementation.

20. The whole issue of development in the broad sense touched upon a variety of activities in the United Nations system, and ways must be found of employing the human rights standards and implementation machinery to confront and overcome malnutrition, extreme poverty, deaths of infant children, lack of education and vocational training and the long list of other problems. All the universal human rights standards, in a unified approach, including self-determination, democratization and popular participation, including civil, cultural, economic, political and social rights, had to be emphasized in development.

21. It was to be hoped that the results of the Consultation would have a significant influence on the future activities of the United Nations in the field of development, including the Special Session of the General Assembly on International Economic Co-operation scheduled for April 1990, the preparation of the International Development Strategy for the Fourth United Nations Development Decade, the 1990 Conference on Least-Developed Countries, UNCTAD VIII in 1991, and the proposed 1992 Conference on the Environment and Development.

22. In connection with the preparation of the strategy for the Fourth Development Decade, the intervention of human rights elements into the conceptual and strategic planning on development will help ensure that the strategy for the Fourth Development Decade is truly relevant to the 1990s and that the citizens of the world find in the work of the United Nations a reflection of their real preoccupations and goals. The enjoyment of human rights will constitute an essential element in evaluating socio-economic perspectives for the future. Factors such as the ratification of human rights instruments and the degree of respect for such basic human rights as freedom from racial discrimination, access to food,

health, education, the right to participate in decision-making, and the freedom to think and express oneself freely, will have to be taken into account when considering the realization of development objectives in the context of the new Decade.

23. Development projects which are structured in a way that promotes human rights can have important impacts on other aspects of the United Nations human rights programme. Projects which, through the participation and involvement of persons from the weaker or poorer sectors of society, strengthen the dignity of those individuals and increase respect for them in the eyes of others may well prove to be an important factor in reducing various types of human rights abuses, in particular at the hands of the authorities or of the stronger sectors of society.

24. The issue of human rights and development and the implementation of the Declaration must be approached realistically. It should not be expected that the human rights experts would be able to rewrite international economic policies and laws; rather, the human rights contribution would be made through establishing standards, implementing those standards and giving publicity to them. The objective is to ensure that those organizations competent in the field of international economic policies take human rights fully into account when formulating, carrying out and evaluating their programmes. However, it should not be expected that experts in economics or international finance would embark on the formulation of human rights norms; more that 40 years of painstaking efforts had gone into the establishment of existing human rights standards which are and should remain the fundamental rules of international community in whatever domain of operation.

25. The objective of the United Nations Charter of promoting better standards of life in larger freedom is equally applicable to the national and international levels and included a certain and definite obligation of social justice. In this regard, reference may be made to the first article of the Universal Declaration of Human Rights which reads: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." We do have a duty to our brother—both within our nations and internationally—and the promotion of the right to development as a human right will certainly prove in the future an important tool for that purpose.

Statement by Ambassador Sene

26. Ambassador Alioune Sene referred to United Nations activities relating to the setting of development standards and said that the principles of the Declaration on the Right to Development were based on the relevant international instruments, namely, the Charter and the treaties, covenants, conven-

tions, declarations and resolutions relating both to civil and political rights and to economic, social and cultural rights, which were indivisible. Although the United Nations had been established primarily to maintain peace, the Charter had also entrusted it with responsibility for achieving "international co-operation in solving international problems of an economic, social, cultural, or humanitarian character", which were interdependent.

27. The achievement of development called for the implementation of human rights and the participation of the actors on the social scene, the active and passive subjects and the beneficiaries and guarantors of development, namely, individuals, States, public and private entities and the international community. It meant moving from ethics to law, from charity to solidarity and from values to resources by proclaiming the fulfilment of the individual in the universal order as the object and purpose of development. The problem was to determine what specific measures were to be taken to promote structural improvements in and among countries through mechanisms that could guide and organize the growth of the world economy effectively, equitably and in the mutually advantageous interests of all.

28. In that connection, the United Nations was a laboratory for ideas and principles, a negotiating forum and a centre for the codification and promotion of the right to development. Whatever the scope and legal nature of the principles of development by virtue of sovereignty, it was becoming increasingly clear that States and decision-makers needed procedures for consultation, dialogue and negotiation with a view to more precise definitions of the objectives to be achieved and ways and means of formulating coherent development policies.

29. With regard to the intergovernmental machinery of the United Nations, the agencies and elements of the structure had been set up as needs had arisen, thereby creating a possibility that objectives might overlap and be dispersed and increasing the costs to be borne by the member States. The problem was thus to determine how to strengthen co-ordination by restructuring the permanent intergovernmental machinery in order to improve the efficiency of the system. That was the task which had been entrusted by the Economic and Social Council to the Group of 18 High-level Experts appointed by the Secretary-General, Mr. Javier Pérez de Cuéllar, who attached great importance to that mission, the purpose of which was to enhance the prestige and credibility of the United Nations.

30. The specialized United Nations bodies that were responsible for planning and co-ordination questions had to broaden the scope of their activities in order to shed light on all aspects of development policies and encourage all countries to study and consider those problems with a view to promoting human rights and strengthening peace.

31. All persons must be able to enjoy the fruits of development and equal opportunity and peoples must have a say in decisions on the course their

development should take in order to improve their living conditions. In accordance with the legal rules governing relations among States, it was necessary to work together to build a common future for mankind in all its diversity on the basis of a system of the values of justice, freedom and solidarity and with firm determination to make them a reality in the light of the new challenges of the modern-day world.

32. Stressing global perspectives and new development orientations, he said it could not be overlooked that the majority of mankind had found its path through history blocked by the serious debt crisis, the worsening of the terms of trade, monetary instability, inequalities in international economic relations, unemployment and the spread of poverty, all of which caused disruption, political instability, tension and frustrations that might hamper the efforts the developing countries were making to bring about economic recovery and promote human rights and democracy.

33. At the present time of détente between the two super-Powers when the United Nations had a more important role to play in the settlement of regional conflicts and the reduction of tensions, new ideas with regard to the global prospects for development policies were worth exploring.

34. In that connection, efforts must be made to eliminate massive violations of human rights, such as *apartheid*, racism, the oppression of minorities, religious and ideological intolerance, aggression, foreign occupation and the denial of the right to self-determination, which were all obstacles to development.

35. New approaches based on consensus had to be devised in order to create the necessary conditions for growth and development through multilateral co-operation so as to implement national structural adjustment policies in a favourable economic environment. In that connection, concerted action on monetary issues, financing, debt, the transfer of resources, commodity trade, the transfer of technology and development had to be taken to revitalize the world economy in accordance with mutual interests.

36. Official development assistance, which now amounted to only 0.35 per cent of the overall GNP of the member countries of the Development Assistance Committee, was used for international co-operation for development, but it was, of course, still far from the 0.7 per cent target set by the United Nations 20 years previously.

37. The social aspects of development problems and the alleviation of poverty in the least developed and low-income countries were important issues to which the international community must turn its attention as a matter of priority. The social dimension of development was crucial to the implementation of the developing countries' structural adjustment programmes, and that meant that account must be taken of the development of human resources, education, young people, health, hygiene, housing, social services and the status of women

and vulnerable groups, all of which were necessary to the realization of human rights.

38. Account must also be taken of the world population problem, as suggested by the recent report of the United Nations Fund for Population Activities stating that the population of the globe, which was now 5.2 billion persons, would surpass 6.2 billion by the end of the century and continue to increase.

39. The environment was another of the major challenges of the 1990s. It was increasingly being recognized that desertification, unchecked deforestation, soil depletion, the warming of the earth as a result of the "greenhouse effect", the disappearance of species, the depletion of the ozone layer, pollution and toxic wastes were causing a wide variety of meteorological and atmospheric changes that called for urgent measures and concerted action by the entire international community.

40. The right to life and to security in a healthy and durable environment had to be one of the basic principles of human rights and development because account had to be taken of the needs of future generations through the responsible management, rational exploitation and conservation and protection of the planet's resources in order to guarantee the well-being and dignity of the individual. Thus, even if the concept of the "common heritage of mankind" was an ethical one, it did have an impact on modern legal thinking.

41. The development of human resources, education, health, trade, food security, monetary issues, the division of labour, employment, the use of outer space for peaceful purposes, the seabed, ecology and environmental protection, demography, the data processing revolution, telecommunications, air transport and shipping, intellectual property, genetic manipulations, humanitarian issues, disarmament, peace and human rights were thus some of the global problems whose solution would determine the modern future of human society.

42. In view of those enormous problems and so many others, only human intelligence, the supreme resource, greatness of mind at the service of the ideals of solidarity of the United Nations, could gradually meet the expectations of the universal conscience with regard to genuine fraternal international co-operation for development and the well-being of mankind.

Statement by Mr. Blanca

43. Placing the topics dealt with by the Global Consultation in their proper historical perspective, Mr. Blanca said that the importance which the authors of the Charter of the United Nations attached to the question of human rights was apparent as early as the second preambular paragraph. The subject was also dealt with in Chapter I on the purposes and principles of the United Nations and in Article I, paragraph 3. In Article 55, moreover, the Charter clearly stated that conditions of stability and well-being were necessary for

peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. To that end, it invited the United Nations to promote higher standards of living, full employment and conditions of economic and social progress and development; solutions of international economic, social, health and related problems and international cultural and educational co-operation; and universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

44. Those principles were not invented by the authors of the Charter: they were deeply rooted in the history of all of mankind. The concept of human rights and respect for human dignity and equality was to be found in the teaching of all the great world religions, whether Hinduism, Buddhism, Judaism, Christianity or Islam. The rights of the individual were the core of their basic philosophy.

45. The concept of human rights which had emerged following the Second World War seemed to have been less attentive to some aspects of the rights of the individual. Perhaps the traumatic events of the two wars had temporarily blurred the vision of the indivisibility of human freedom which had already been affirmed by many great thinkers.

46. That was not necessarily true in the case of the Universal Declaration of Human Rights, but the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights which had been drafted later, had brought out differences of view which had not completely disappeared. The Western countries tended to stress the right of the individual to civil and political freedoms and to attach secondary importance to social rights and the obligation of the State to provide its citizens with an economic safety net.

47. The international community now appeared to be moving gradually towards the concept of the general well-being of the individual. Much remained to be done, however, and a major task would be to promote a universal perception of what individual rights were. Taken as a whole, the International Bill of Human Rights was an instrument designed to ensure the general well-being of every individual. The Declaration on the Right to Development was an important step towards a complete definition of the overall concept of human rights.

48. The right to development was both an individual and a collective right. It guaranteed access to the culture, health, education, equal opportunity and new technologies, without which it was impossible to exercise political and civil freedoms to the full. One of the reasons why full realization of human rights was taking somewhat longer in the developing countries was unquestionably the gravity of the economic problems facing those countries.

49. The world seemed divided into two categories. On the one hand, there were the peoples living in the developed world, with all its enormous economic and technical advantages. They enjoyed the refinements of culture, a

climate of security, the benefits of education and the most advanced medicine, and they were fully able to exercise their civil, political and other rights.

50. On the other hand, and in almost complete contrast, there was the majority of the world's population, who lived in conditions in which it was a struggle just to survive. It was a downright insult to the conscience of mankind that such a situation could exist at a time when the world was richer than ever before. Current social inequities, with some enjoying unprecedented prosperity, while others lived in absolute poverty, were clearly having disastrous consequences for both national and international security.

51. It was impossible to speak in terms of human dignity when thinking of the millions of people living below the poverty line, racked by illness and hunger or in the process of losing that most precious of all rights, the right to life. Human well-being was indivisible, as were human rights.

52. Those disparities within and between nations were flagrant in a world of instant communication and had already given rise to numerous tensions and social conflicts. Such a situation could not provide a basis for a stable world in which all individuals were assured of the full exercise of human rights. Social unrest and the rise of fundamentalism were clearly direct results of the inability to face up fully to the challenge of development.

53. In a world where interdependence was an established fact, security was also indivisible. No nation or people could remain secure on an island of tranquillity with tumult raging all around them.

54. The first thing to be understood was that fundamental human rights were indivisible and that they could not be universally exercised until political, economic and social peace and security prevailed among nations.

55. Secondly, it was in the interest of all nations, particularly the developed countries, to strengthen multilateral co-operation and facilitate the establishment of an equitable and balanced international society.

56. The United Nations had a special responsibility in that regard. The Charter established a very clear link between peace and security, on the one hand, and economic development and social progress on the other. World security could not be guaranteed without balanced, equitable and just economic relations between States. The United Nations had been making important contributions in each of those areas for 40 years, and would continue to do so.

57. Thirdly, it was important to mobilize movements for the protection of human rights at the international level so that they could help to achieve recognition of the right to development as a fundamental human right.

58. What was needed was an action plan for the incorporation of human rights in the development process at two levels. First, the objective of the plan should be the development of a consensus on the full integration of the right to development in human rights in general. Progress must be made towards the

recognition of the right to development as a human right. That process, which was already under way in the United Nations, would be greatly facilitated by the opening and broadening of a dialogue between non-governmental human rights organizations and organizations concerned with development. Secondly, the action plan should aim at incorporating human rights in all stages of the economic development process.

59. The aim of any future strategy should be to extend the human rights dimension to all aspects of the development process. Such a strategy should have three components.

60. First, it should ensure that human rights were taken into account at the major international meetings planned for 1990 and in the results of those meetings:

(i) The United Nations was currently formulating an International Development Strategy for the Fourth United Nations Development Decade. Mr. Martenson had recently put forward a number of proposals regarding the incorporation into the Development Strategy of recommendations concerning the measures to be taken better to ensure the exercise of human rights and fundamental freedoms and to enable everyone to benefit from the effects of the Strategy. Those ideas had been useful and would be taken into account in the drafting of documents relating to the Strategy;

(ii) In April 1990, the United Nations General Assembly was to hold a special session on international economic co-operation including, in particular, the revival of economic growth and development in the developing countries. The role of human rights in the development process would be one of the topics dealt with at that session;

(iii) With regard to the second United Nations Conference on the Least Developed Countries, there was no need to emphasize the seriousness of the effects of the current economic situation on the ability of the peoples of those countries to exercise fundamental rights which appeared to be taken for granted in the developed countries. Food, education and proper health care were actually denied to the citizens of those countries as a result of the economic situation. The first fundamental human right was the right to life, upon which the others depended. Greater efforts must be made to enable those countries to meet their obligation to ensure the full development of the individual;

(iv) In considering the question of the environment, account should be taken of some of the reasons for the deterioration of natural resources. Deforestation and desertification were closely linked to the struggle for survival which was the lot of the most deprived. It was thus essential to take account of the most fundamental right—the right to life—when considering ways of safeguarding the future of the planet. The 1992 Conference on Environment and Development must accord the necessary importance to human rights.

61. Secondly, efforts must be made to promote and strengthen inter-agency consultations designed to encourage co-operation among economic and social institutions concerned with the protection of human rights. Unfortunately, economic and social questions still continued to be a strictly demarcated area in which human rights had no place. However, there was increasing recognition of the need to combine consideration of economic and social questions with consideration of their human aspects. "Adjustment with a human face" or "development of human resources" had become commonly heard expressions. Although a promising start had been made, much remained to be done. Perhaps the Administrative Committee on Co-ordination could include on its agenda each year an item under which it would consider the role of human rights in the development process.

62. Thirdly, it was necessary to strengthen the capacity of the Economic and Social Council to promote the enjoyment of the right to development as a human right. The Council was an organ created under the Charter which was directly responsible for overseeing the implementation of the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights and of the Universal Declaration of Human Rights, as well as the work of the Commission on Human Rights. The Council also had a central role to play in the co-ordination and harmonization of activities of United Nations bodies in the economic and social field. The Commission on Human Rights had now added to its agenda a separate item on foreign debt, economic adjustment policies and the enjoyment of human rights. In a resolution adopted at its preceding session, the Commission had invited member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes and had requested the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies. The Economic and Social Council should attach special importance to those questions.

63. One possible reason why the question of the right to development had not received the attention it deserved might be that it was difficult, strictly speaking, to identify victim and aggressor. Perhaps it was because some countries gave the impression of using their underdevelopment as a pretext for denying their peoples the free enjoyment of civil and political rights. Perhaps the tension between East and West and the resulting polarization had affected the attitudes of defenders of human rights. Whatever the truth might be, it was time for the international community to focus its attention on the question.

Statement by Mr. Dadzie

64. Mr. Dadzie referred to some conclusions from the recent work of UNCTAD which bear some relevance to the theme of the Round Table. He pointed out that while the recent steady growth in global output and trade of-

fered opportunities for progress in developing countries, substantial obstacles nevertheless remained, participation in the benefits of economic expansion and technological advance were unequal. Extreme inequalities of income distribution persisted, poverty was widespread, vast human potential was wasted, and ecological systems were under threat. Economic stagnation and retrogression prevailed in a very large number of developing countries, particularly in Africa.

65. A second conclusion was that this deplorable state of affairs would not be overcome by spontaneous economic forces alone. Access to opportunities for the generation of work and income needed to be broadened, within a framework of rules and co-operative arrangements based on consensus, both at the national and at the international level. All countries were responsible for making contributions to the required action, in accordance with their capacities and economic weight.

66. A third conclusion concerned the concept of development itself. The Declaration on the Right to Development provided an excellent definition of the development process derived from the definition in the current International Development Strategy, which stressed the comprehensive and participatory process of societal transformation. This definition implied that economic growth was a necessary element of the development process; it could even be the main driving force. But all too often discussions and decisions on development policy were regrettably limited to considerations of growth and efficiency. It was essential, and most important from the UNCTAD point of view, to maintain a holistic perspective on development and to integrate non-economic factors in an operational way into the development process and the development dialogue. Human rights were, of course, among these non-economic factors.

67. Flowing from the above was the need to approach development in terms of integrating economic efficiency with broader societal objectives. This should be regarded as a universal challenge, not one confined to developing countries. "Maldevelopment" existed in industrialized countries and it called for new and imaginative approaches to economic and social organization in those countries as well. It should be stressed that in tackling this challenge, pluralism was of the essence; there was no universal model capable of automatic application to all societies and countries. Each society needed to devise its own solutions, solutions which would not necessarily or always flow from the spontaneous play of market forces alone, but would involve the establishment of a sound framework of rules and co-operative arrangements which were respectful of human rights and within which both individuals and groups of people could have broader access to economic opportunities. Similarly, rules and arrangements would also need to be constructed or adapted through international agreement in order to govern economic and social relations among States.

68. A fifth conclusion was that this emphasis on diversity and pluralism was very important at a time when so much emphasis was placed on one dominant model of economic and social organization, namely the free market model.

It was indeed a strong model and its strength was highlighted by the failures of its antithesis, the centrally-planned economy as conceived in the 1930s. Yet the UNCTAD Trade and Development Board recalled recently, in a Declaration adopted on the occasion of its twenty-fifth anniversary, which was later endorsed by the General Assembly, that there was no universal criterion for determining the proper mix of economic management tools for stimulating economic growth and development, and that different countries were applying a range of approaches and measures which they consider appropriate to their own particular circumstances. It was true that more and more countries were making use of market signals and competition in promoting entrepreneurial initiative and in optimizing the contributions of the public and the private sectors. But it was no less true that such choices are the prerogative of individual countries, having regard to their own particular circumstances, history and cultural traditions.

69. An important implication of the above remarks about economic models has to do with structural adjustment programmes as recommended mainly by some international financial institutions. Many countries had expressed legitimate concerns about the policy content of conditions for financial support for such programmes, which they saw as having too narrow a focus on short-term economic objectives. They had also complained about the adverse social impacts of these programmes and their effects on human rights and indeed on human capacities for long-term development. It was the speaker's view that the lessons that had so far been learned from the implementation of structural adjustment programmes, and the lessons that would no doubt be learned in the coming years, as countries all over the world seek to improve their economic and social systems, would lead to more effective modes of international financial co-operation which are more respectful of non-economic factors such as those that were set out in the Declaration on the Right to Development.

70. Mr. Dadzie said that most of the obstacles to human welfare were created by human kind, and therefore are amenable to human intervention. The means to overcome these obstacles, peacefully and through negotiated transformations were therefore within the realm of possibility. The development of these means and of the will and readiness to use them, both nationally and internationally, should be at the core of the multilateral agenda in the coming decade. He made several references to the possibilities for pursuing this objective. It was the considered view of UNCTAD that solutions to these problems could be worked out in the global interest only through multilateral co-operation. Differential development performance in developing countries was attributable not only to the thrust of domestic policy, but also to the incidence of external shocks, as well as to structural factors and initial conditions in each country. Indeed, if there was one main conclusion to be drawn from the work on the interaction between domestic factors and the international economic environment, it was that domestic policies would have little chance of succeeding unless there was a favourable external environment and supportive international action.

71. Finally, looking at the challenges for the future, Mr. Dadzie said that national and multinational solutions to problems of development must address a number of major needs: to promote higher standards of living, to eliminate poverty and to create employment; to explore, with open minds, alternative approaches to economic policy which sought to reconcile efficiency with equity and with social responsibility, and which ensured the full participation of all economic actors in the processes of growth and development; to devise practical means of diverting human and economic resources from the fabrication of means of destruction to socially productive uses, a task that promised to bear more fruit with the improving prospect of nuclear arms reductions; and to ensure that economic activities were ecologically sustainable, taking due account of the interrelationships between people, resources, environment and development.

Statement of Ms. Ballantyne

72. Ms. Ballantyne referred to an NGO meeting held in December 1989 on the theme of people and the debt crisis. On the podium, in front of the presiding officers, was a dish with paper cakes. It was intended to illustrate a quotation from a book by Susan George in which she related the experience of a social worker in Peru, who found children whose mother was so poor that she had to make cakes from old newspapers and water to keep her children's stomachs filled. How many children have their hunger pacified in this and similar ways until they inevitably die from starvation and disease? She said that she was not recounting this to raise emotions (although she believed that emotions and compassion would be in order when speaking of the right to development) but because it dramatized the challenge which the implementation of the Declaration on the Right to Development posed for the international institutions, for Governments and for all people. The Declaration is indeed a welcome and needed instrument. Its implementation poses a tremendous challenge to all actors because it had to take into account the dominating world economic order which influenced, if it did not set, the terms of world economic, social, political and military relations.

73. The implementation of the Declaration on the Right to Development required the working out of a blueprint, based at least on minimum standards, that could be universally applied as a base on which to build. There was already a considerable body of international instruments and considerable experience and knowledge in the field: the Specialized Agencies and United Nations Programmes and of course, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its working groups and studies (and the study being undertaken by Professor Türk on the realization of economic, social and cultural rights), the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development. All these should be brought together. Ways also should be

found to associate the people, who were central to the right to development, especially those whose rights are most violated. If all the available experience was brought together, a powerful tool for implementing the Declaration on the Right to Development could result. This meant that the international institutions had to co-operate meaningfully with one another and also with national development and human rights actors. A number of non-governmental organizations had jointly prepared a written paper in which a few recommendations in that sense were put forward.

74. On the occasion of the fortieth anniversary of the Universal Declaration of Human Rights, Clarence Díaz wrote that of the group of collective rights constituting the third generation of human rights, the right to development was the most important. He saw the Declaration as a first important step; the international community was still in the process of articulating and elaborating a human right to development. Human rights scholars and activists had an important contribution to make to this process. It would be important also to provide an opportunity for those who had first-hand knowledge to bring their information to the United Nations. Could the Centre for Human Rights envisage a mechanism by which development and human rights activists (and those whose right to development was denied) could meet on a regular basis to give information and evaluate progress made in articulating and implementing the right to development? Might it be a working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities? Might it be Consultations or Seminars? Might it be possible to widen NGO access to the Committee on Economic, Social and Cultural Rights?

75. Among the challenges there were a few that deserved particular attention: one, already mentioned, was how to genuinely associate the people in realizing the right to development. Another was how to resolve seeming contradictions in implementing the right to development. For example, how to implement the fundamental rights of indigenous peoples and ethnic minorities to live and develop by their values and concepts of community within a dominating value system different from theirs (and often very exploitative) without tearing nations apart? Or how to implement the right of each State to determine its road to development and its economic and political system in a world that becomes increasingly interrelated? Since this required transnational and international co-operation, respect for international norms, in a world in which the sharing of resources was no longer a kind voluntary gesture but an imperative. There was the question of the waste of resources on the arms buildup. At a time when international tensions were decreasing and disarmament measures were being taken, military budgets should be reduced quickly. The funds saved by these measures should be used for development, particularly in developing countries. The link between disarmament and development was not automatic and had to be made. This should be taken into account when articulating and realizing the right to development.

76. While developing indicators for measuring progress made in the realization of the right to development, one should be the progress made in advancing the status of women. Women represented more than half of the world's population, and the vast majority of them were engaged in work that contributes vastly to the life and wealth of nations. Particularly in developing countries, women, and children also, put in a hard day's work in and around the home and in the field. Yet in the statistics only the head of the family, usually the male, was counted. If all contributors were counted, a more realistic picture would be given of the productivity of the nation. This might show how low productivity per capita is, how poor the families were and where, therefore, investment should be made. Women should be the major beneficiaries from such investment because they were the important but neglected contributors. The Nairobi Forward Looking Strategies and follow-up work since they were adopted in 1985 should be taken into account in the process of articulating the right to development and in the evaluation of progress made in implementation. The United Nations Department for the Advancement of Women should be drawn into the co-operative efforts within the United Nations system.

II. International legal aspects of the right to development as a human right

77. Since the Declaration on the Right to Development was adopted by the General Assembly in December 1986, international lawyers have expressed concern about a variety of theoretical and technical aspects of the right to development. Some of these views were reflected in the introductory statements made by legal experts at the Global Consultation. While not challenging the concept or drawing into doubt its value and validity as a human right, these concerns have centred around such questions as what is the exact substance of the right to development, who are the beneficiaries, and how can it be implemented within and by the human rights programme.

78. A number of legal observations were made on the substance and contents of the right to development. A distinction was made, on the one hand, between the interdependence and interrelationship of all human rights, including the right to development, and the consequent demand for respect for human rights in the development process and, on the other hand, the separate contents of the right to development. It was said to be necessary, with regard to the latter category, not to confuse a human right with the status and rules of the international economic order, which was an area traditionally assigned to inter-State relations, even though that order might favour one group over another. Nevertheless, it was pointed out that the international community had an obligation to intervene and correct obstacles to the right to development to the degree that they could be clearly and specifically identified. Additional obstacles mentioned included massive and flagrant violations of human rights and threats of war and of continued damage to the environment.

79. Relating to the beneficiaries of the right to development, objections were raised to States as beneficiaries because a State could not by definition be the subject of a human right. Instead, emphasis was placed on the individual and collective rights aspects of the 1986 Declaration which indeed refers to the human person as the central subject of development. Further difficulties of a legal nature were brought up in connection with the identification of the contents of the individual's right to development. Apart from the realization of individual rights in the civil, cultural, economic, political and social fields which are integral to the right to development, the exact substance of an implementable individual right to development could not, it was said, be easily discerned.

80. With regard to collective beneficiaries, the term "people" was likewise said to raise difficult questions. Although it had been recognized and more

clearly defined in the context of the right to self-determination, the beneficiaries of the two rights of development and self-determination did not necessarily coincide. The problem of who was to be considered as representing the "people" in the right to development context was also discussed, especially as the appearance of non-governmental delegates in that capacity would necessarily overlap or even contradict the role of States as guarantors of the same right. Finally, although the Declaration on the Right to Development does not expressly make such a reference, it was generally felt that the term people should encompass groups within the State, such as indigenous peoples and minorities, as far as the right to development was concerned.

81. The question of the implementation at the international level was also addressed. In this respect and keeping in mind the relevant provisions of General Assembly resolution 41/120 of 4 December 1986 containing guidelines for United Nations human rights standard-setting activities, the 1986 Declaration was found to be lacking the precision necessary for specific implementation; further, the Declaration had not set up any machinery for that purpose. Consequently, the usefulness from a legal point of view of the right to development was open to question. These observations resulted in extensive discussions about possible implementation methods which are reflected in the conclusions and recommendations of the Consultation.

82. Regarding the interdependence of human rights, considerable attention was given to the global concept of human rights. The importance of respect for all human rights in the development process was repeatedly underlined, including such civil and political rights as the rights to life, liberty and security of person, the rights and freedoms relating to opinion, expression and information, independence of the judiciary, and other rights and freedoms essential in a democratic society. Popular participation at all levels of development, beginning at the grass roots, was likewise found to be a necessary and fundamental component of development for and by the people involved. Participation was said to be an ideal vehicle for giving people a say in the contents and form of development and for transforming the collective aspect of the right to development into individual rights.

83. In discussing the issue of obligations under the Declaration on the Right to Development, reference was made to both States and the international community as is clearly spelled out in the Declaration. Recognizing that rights can be both absolute and progressive in nature and acknowledging that States could not be expected to render positive services related to the right to development if they have no available resources, the role and obligation of the international community were emphasized, in particular intergovernmental organizations promoting human rights and development. In this connection, references were made to article 28 of the Universal Declaration of Human Rights and to the so-called international law of co-operation which is based on the idea that there are common values which cannot be satisfied by means other than

co-operation, including the creation of international and national conditions which would make implementation possible.

III. Human rights and the realization of the right to development as a human right

84. The papers presented to the Consultation and the discussions under every item on the agenda underlined the importance of human rights to the realization of the right to development. Massive and flagrant violations of human rights, *apartheid*, and other violations of human rights were serious obstacles to development. Development, on the other hand, as understood as a human right, has as one of its constituent elements respect for and promotion of the human rights of the individual.

A. Massive and flagrant violation of human rights

85. Massive and flagrant violation of human rights of peoples and human beings was identified as a major stumbling block to the realization of the right to development. It was pointed out that these arise from aggression and occupation of foreign territories, policies of genocide and *apartheid*, racism and racial discrimination, colonialism and the denial of the right of peoples to self-determination and development without external interference. All forms of slavery, the slave trade, the arms race and the pollution of the environment were all seen to be a threat to development. The Declaration on the Right to Development, it was observed, requires that international peace and security are essential elements for the realization of the right to development, and that the elimination of massive and flagrant violation of human rights is a prerequisite of development. This provision had a sound legal basis, since a number of the internationally illegal acts referred to above have been recognized as international crimes in many international documents. It was pointed out that the International Law Commission, in drafting articles on State responsibility, has even been considering ecocide as an international crime.

86. It was also observed that the uneven character of economic development among countries and peoples, which in the case of developing countries is further exacerbated by the external debt burden, also constituted a threat to humanity. It was pointed out that not only did certain internationally illegal acts constitute massive and flagrant violations of human rights but so also did unemployment, starvation, poverty, and the absence of access to health services and education. If both civil and political as well as economic, social and cultural rights are to be realized, the basic task of the international community will be to

help to make available to all peoples and human beings the right to development under conditions of peace and international security. It was suggested that the United Nations should elaborate and adopt a binding comprehensive convention on the right of peoples and every human being to development. This instrument should envisage the creation of a corresponding mechanism to evaluate the levels of development of States and to monitor the realization of agreed-upon obligations.

B. *Apartheid*

87. In addressing this issue, it was emphasized that the right to development is inclusive: it involves all the people in a country irrespective of race, colour, creed, sex or age. *Apartheid*, being a system which lays down separate development of the races as a goal, not only violates this right politically, economically, socially and culturally, but also violates other fundamental human rights. It was emphasized that violations of human rights by the South African régime are not just a chance aberration in the working of a system, but rather the deliberate functioning of a well thought out policy whose theoretical justification was debated long before it was put into effect.

88. *Apartheid* creates racial tensions and misunderstandings which undermine the co-operation necessary for a healthy development. In explaining how *apartheid* has had negative impacts on economic and political development, reference was made to the Race Classification Act, the Group Areas Act, the Bantu Areas Act, the Bantu Education Act and the Bantustan or Homeland policy. The Homelands, it was pointed out, are a reservoir of cheap labour and dumping grounds for the old, sick and unemployable. *Apartheid* violates rights whose respect is a pre-condition for the realization of the right to development. These rights include the right to live at the place of one's choice, the right to free movement, the right to a decent family life, the right to human dignity, the right to be free from fear of arrest, deportation or ejection from one's dwelling. The result of *apartheid* has been misery and suffering for the black people of South Africa; the disruption of families and communities, poor living conditions for workers; high death rates in the mines due to accidents, high infant mortality; deterioration of health conditions; and the denial of access to education.

89. The impact the system of *apartheid* has on the economic development of the region was described with reference to the aggressive wars waged against the front-line States by South Africa in defence of *apartheid*. South Africa's policy of destabilization has caused the destruction of their infrastructure, diversion of enormous sums of money from development to defence, high infant mortality, the mass exodus of refugees and displaced persons, famine and malnutrition.

90. The dismantling of *apartheid* was without any doubt a pre-condition for a normal healthy political, social, economic and cultural development that will include and involve all the people. In this context, attention was drawn to the call of black leaders of the struggle against *apartheid*, both inside and outside South Africa, for the immediate imposition of United Nations comprehensive mandatory sanctions against that country.

C. Individual human rights

91. Respect for individual human rights is a constitutive element of the concept of the right to development. And, through the Declaration on the Right to Development, the idea of linking the process of development and individual human rights has gained international legitimacy and broad support. On the question of whether or not the concept of the right to development strengthens or undermines respect for human rights, reference was made to article 28 of the Universal Declaration on Human Rights which states that an appropriate social and international order is required for the full realization of human rights. The recognition of, and respect for, individual human rights is, however, demanded without any pre-condition. Moreover, the primary importance of the right to development lies in its understanding of development as a comprehensive social process which leads to the full realization of human rights through a process that respects individual human rights.

92. Attention was also drawn to the current phenomenon of the diminishing of the ideological element in matters regarding national and international development policies. In this search for new values, the importance of perceiving development as a comprehensive economic, social, cultural and political process aiming at the constant improvement of the well-being of the entire population and all individuals was important. In other words, respect for human rights should become an essential criterion for the assessment of the success of national and international development policies. Measurement of the realization of the right to development should, therefore, include the utilization of precise and objective criteria of achievement in the field of civil, political, economic, social and cultural rights.

93. Several concrete proposals were discussed relating to the implementation of the Declaration on the Right to Development within the framework of the United Nations. Compatibility of United Nations activities with the Declaration should be ensured by adopting appropriate guidelines within all operational programmes, and by using human rights impact studies, in the approval and evaluation of all projects. This process should involve the effective and meaningful participation of non-governmental organizations, in particular grass-roots organizations. It was also felt that greater co-operation betweem the Centre for Human Rights, United Nations Research Institute for Social Development,

United Nations Institute for Training and Research and other appropriate bodies would be necessary in providing technical advice and guidance.

94. An appropriate system of indicators for the assessment of progress in the realization of economic, social and cultural rights should be further developed and adopted. Finally, practical measures should be undertaken to strengthen the international system for promotion, protection and implementation of human rights in general. These should include the development of an efficient system of response to emergency situations involving gross violations of human rights, strengthening the role of the Secretary-General to exercise humanitarian good offices in human rights cases, strengthening non-governmental organization participation, and the development of operational approaches to deal with situations involving problems of minorities, indigenous peoples and other vulnerable groups.

IV. Specific aspects of the implementation of the right to development as a human right

95. The second point on the agenda of the Global Consultation was a review of specific examples of the respect for human rights as an integral factor in promoting development and the problems faced in that regard. In connection with that discussion the following points were made.

A. Women

96. Ensuring equality for women in development and their contribution to the development process posed many different problems. Despite the recognition of equal rights for women in international instruments, they are often undermined by culturally sanctioned inequalities between men and women or through actions involving short-term gains at the expense of long-term freedom and equity. Figures on income distribution, the structure of the labour force and wages, education and political participation were cited from a 1980 World Bank report to describe the extent of inequality and exploitation faced by women. It had become obvious that development projects that disregard, threaten or undermine women rather than contribute to their advancement violate their human rights.

97. A number of serious problems had been encountered in this matter. First, development experts from Western industrialized countries have been men acting obliviously to women's traditional roles in production and decision-making, and training packages have likewise focused on men and the establishment of a global economic order serving the needs of Western industrialized countries. Secondly, development itself has become a source of violation of women's rights as much as it has been a source of promoting women's equality. This has occurred, for example, through projects characterized by their benign neglect of women but which subtly reinforce discrimination against women by ignoring traditional gender divisions of labour, placing the burden on women to implement the projects, and by creating inequalities in access to external resources or services generated by these projects: through projects that pay lip service to women's equality, yet taking advantage of culturally, religiously and socially sanctioned inequalities as they seek short-term gain in production or industrialization; through projects specially aimed at benefiting women but which

marginalize and compartmentalize women's development from national economic and social development.

98. Steps can be taken towards bringing about women's right to development as a human right. The United Nations Development Fund for Women (UNIFEM) came into being and continues to exist because of the need to change the vastly unequal situation of women in social, political and economic relations. The General Assembly created UNIFEM with two key mandates. The first is to serve as a catalyst to ensure the involvement of women in mainstream development activities at national, regional and international levels. The second is to support innovative and experimental activities which benefit women and are in line with national and regional priorities.

99. As a catalyst, UNIFEM provides resources to extend and strengthen national Governments' abilities to involve women in the national development planning process. For instance, in Honduras, UNIFEM participated in the development of a national policy for women. The development of this document serves as a pilot experience for other countries in the region, and the Government of Honduras will be sharing its ideas through documentation and workshops.

100. At the regional level, recent co-operative efforts with the small Enterprise Development Corporation to improve support to women entrepreneurs in the South Asia Association for Regional Co-operation (SARCC) countries promote economic activity that will move women from the informal to formal economic sectors, and will increase women's income levels by the use of technology in women-owned businesses.

101. Internationally, UNIFEM collaborates with other United Nations organizations, such as United Nations Development Programme and the International Labour Organisation, in various programme development, training, and strategic planning activities for women. As an example, UNIFEM is the implementing agency for an Africa-wide project to establish a credit support system for women's productive activities. This project addresses one of the key impediments to women's empowerment—lack of access to credit, which is usually due to inability to show collateral, often demanded in the form of land. This, in turn, is due to restrictions on land inheritance by women. The project aims to break the cycle of perpetual low income for women by investing in them and their productive abilities.

102. One of the most effective ways of reaching women outside the mainstream is to help community groups set up revolving loan funds or other informal forms of co-operatively managed credit. A project in Mexico demonstrates the empowering impact such support can have on women. The Tempoal community was plagued by extensive poverty and severe rates of malnutrition, disease and mortality. Sixty per cent of the women were illiterate. To address these problems, the Government of Mexico introduced training programmes in nutrition, sanitation, and preventive medicine, as well as in poultry and veget-

able production. But given the length of a woman's day—the demands to fetch water and cook for her family—women could not take advantage of their skills. In 1986, UNIFEM stepped in to help women organize two co-operatives, provide a revolving loan fund, and introduce simple but much needed technologies such as corn mills and water pumps. Organizing and co-operating together, women were able to devote more hours to income producing agriculture.

103. In this context, all institutions and individuals are called upon to promote women's right to development, for development that violates women's rights is not development. It was suggested that this be done through monitoring operational programmes and policies of Governments, organizations and institutions; serving as catalysts for women's empowerment; and by exposing and condemning projects which require and perpetuate the exploitation of women. Such tasks are not easy but will eventually contribute to equitable development and respect for human dignity.

B. Indigenous peoples

104. The experience of indigenous peoples and development clearly demonstrated that human rights and development are inseparable, for the abuse of the rights of indigenous peoples is principally a development issue. Forced development has deprived them of their human rights, in particular the right to life and the right to their own means of subsistence, two of the most fundamental of all rights. Indigenous peoples have been, in fact, victims of development policies which deprive them of their economic base—land and resources, and they are almost never the beneficiaries.

105. It was underlined that the most destructive and prevalent abuses of indigenous rights are a direct consequence of development strategies that fail to respect the fundamental right of self-determination. Using illustrations, participants described how indigenous people are routinely perceived as obstacles to development and excluded from decision-making in matters that affect them. The result has been the elimination and degradation of the indigenous land base; destruction, degradation and removal of natural resources, waters, wildlife, forests, and food supplies from indigenous lands either through commercial exploitation or incompatible land use; the degradation of the natural environment; removal of indigenous peoples from their lands; and their displacement or pre-emption from the use of their lands by outsiders.

106. In order to ensure that principles to protect the social and cultural environment of indigenous peoples are respected, sustainable development must also be equitable from an indigenous viewpoint. Access to relevant national and international fora was considered an urgent necessity. Recommendations were also made for the assessment (or audit) of social and environmental impacts of development programmes and projects on the basis of internationally approved

standards. These standards should have as their priority respect for basic human rights and fundamental freedoms, including the right of self-determination; require that those affected are beneficiaries of the proposed development; take into consideration its long-term and non-monetary effects; require that full consideration be given to alternative means to realize the same benefits; require efforts to meeting indigenous economic and social requisites as well as conventional criteria; require that a positive or negative recommendation following an assessment be a determining factor in any decision to permit international financing; and finally, require that the project or programme be halted subsequent to a negative recommendation.

107. The experience of the home rule system for Greenland and ways in which the indigenous peoples of that island were allowed to determine their own economic, social and cultural development was described in detail as an evolutionary process leading to a large degree of local autonomy.

C. The extremely poor

108. Experience with the extremely poor in developing and developed countries demonstrated clearly that extreme poverty involves a denial of the totality of human rights—civil and political, as well as economic, social and cultural. Freedom without respect for economic, social and cultural rights is an illusion; poverty by endangering all individual rights prevents people from assuming not only their duties as individuals, but also their collective duties as citizen, parent, worker and elector. In the rich countries, for instance, a person without an official address cannot exercise the right to vote or find meaningful employment; in the absence of education, freedom of opinion and association remain dead letters; without housing or resources, freedom of movement becomes nothing more than the obligation to a vagrant life, and the right to a family is denied by the impossibility to raise one's own children.

109. Attention was drawn to the Wresinski Report of France's Economic and Social Council,* which had been drafted in consultation with the extremely poor themselves, and which had provided the modern description of economic and social vulnerability and poverty in human rights terms, applicable to individuals, peoples and States. That report showed that economic and social vulnerability leads to extreme poverty when it affects several areas of existence, becomes persistent, and seriously compromises the chances of restoring one's rights and responsibilities in the foreseeable future.

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* An in-depth study of the methods of obtaining information is contained in the report on extreme poverty and economic and social need, submitted on behalf of the French Economic and Social Council by Joseph Wresinski, *Journal Officiel de la République française*, Avis et rapports du Conseil économique et social, annexe 1987, No. 6, 28 February 1987.

110. The central role to be played by the extremely poor themselves in exposing their situation and bringing their concerns to the attention of the public and, in particular, the international community was described. Participation is crucial to the realization of the right to development, including fundamental human rights. The history of the relatively advanced democracies had demonstrated that principles such as "democracy" and "participation" had been applied in too general a manner to reach the extremely poor. If human and democratic rights are to be enjoyed by all, priority should be given to the extremely poor, particularly with regard to the means of democratic participation. However, simple declarations of principles are insufficient. To succeed, they must be accompanied by efforts to improve knowledge and understanding of extreme poverty in partnership with those directly affected. In this context, references were made to efforts being undertaken by the Council of Europe and the Commissioner for Social Affairs of the European Economic Community.

111. In conclusion, attention was drawn to the fact that the short-term objectives of most development projects had led to greater isolation of the extremely poor. The following measures were proposed to remedy the situation: rely on initiatives of the people themselves; support local associations working with the extremely poor; invest resources, in particular human resources, in extremely poor areas; and involve the people directly affected in all stages of the project cycle and programmes.

V. The realization of the right to development as a human right at the national level

A. National development policies

112. Throughout the discussions of the consultation emphasis was placed on the key role played by national conditions, policies and programmes in the realization of the right to development as a human right. An important element in success at the national level in realizing the right to development was the adoption of appropriate development strategies which in fact furthered respect for human rights. It was repeatedly underlined that in the past development strategies which relied too heavily on centrally planned command economies or which were oriented merely towards economic growth and guided by purely financial considerations failed to achieve the realization of the right to development. It was up to each people to determine its own approach to development in conformity with international human rights standards; no one model for development was adequate or appropriate to all cultures and peoples.

113. A number of basic elements were necessary in national development policies if real development in the human rights sense was to be achieved. Democracy and participation were seen as important elements in national development strategies. Such strategies should also include explicit provisions for the realization of all human rights.

B. Participation

114. The central role of participation in the Declaration on the Right to Development was underlined. Participation is a condition for the exercise of many other human rights, and may be of particular importance among people with traditional cultures in which individual rights tend to be defined in relation to the community. Reference was made to countries with weak national constitutions and excessive bureaucratization, where participation was limited to occasional elections. The relationship between political participation, the right to work, and equal access to resources was emphasized. The role of popular organizations had to be understood not only in the context of the structure of power within the country, but also at the international level. The poorest people of a poor country faced the greatest obstacles to effective participation.

115. Where powerful economic, ethnic or regional interests interfered with the democratic functioning of the State, popular organizations often played a crucial role in assuring access to essential services such as health care. In one country, the considerable inequality in the distribution of wealth and necessities of life, the activities of peasant communes, agrarian co-operatives, and a wide variety of urban organizations, including "micro-enterprise" were described. In one country economic reforms of the 1970s had given such organizations greater opportunities and influence in the economy but a number of problems related to control of productive resources such as land, and the legal status or legal capacity of popular organizations had arisen in that context.

C. Intermediate structures

116. Regarding the issue of participation, it was noted that the Declaration on the Right to Development does not explicitly refer to "mediating structures" or "intermediary groups", nor does it exclude such groups. The meaning of the Declaration would have to evolve in practice, and reference was made to the African Charter of Human and Peoples' Rights, with its notion of African historical traditions and values, as a fertile source of law on the role of intermediary groups. Reference was also made to the Lomé III Convention, which recognized the role of grass-roots communities and self-help organizations as mediating structures, and to the African Alternative Framework to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation, which conceives of a genuine and active partnership between Governments and the people through their various institutions at the national, local and grass-roots levels.

117. A distinction was made between "active" and "passive" forms of participation. "Passive" participation is merely a managerial technique, while "active" participation involves empowerment. Active participation depends on awareness raising and organization building. While it is generally acknowledged that intermediary groups have become indispensable for sustainable development, the identification of such groups must retain a dynamic character, and cannot be settled by a simple, positivist legal approach. The political standing and social function of these groups will nonetheless have to be translated eventually into legal terms, especially where different groups make competing claims on resources.

D. Changes in the concept of the welfare State and its impact on the right to development

118. The welfare society has been characterized by an effort to combine the concern for free and active participation of all its individuals and the need

for equality in sharing of the benefits from the total activity of the society. This poses a dilemma: a strong State tends to reduce freedom of choice in participation by the individual, but a weak State tends to result in a highly unequal enjoyment of the benefits resulting from the economic activities of the society as a whole. Over-extended States and bureaucracies, highly centralized economies and military dictatorships undermine individual participation in development.

119. Since the individual is the central subject of development, the individual must take responsibility for her or his own welfare to the extent possible. To implement the right to development, States have a responsibility first to respect the freedom of the individual to take action; second, to protect individuals and their resources against other, more assertive or aggressive actors; and, third, to assist in the fulfilment of welfare needs by providing assistance to create equal opportunities for individuals or groups, and through the direct provision of resources. Consequently, national development programmes should aim explicitly at minimizing disparities between different groups of society, and their elaboration should be based on grass-roots initiatives.

E. Legal assistance

120. Equal access to justice, for rich and poor alike, is crucial for respect for the primacy of the law. Consequently, it is essential to provide adequate legal assistance to all those who, threatened in respect of their lives, their freedom, their property or their reputation, are not in a position to remunerate a lawyer. But above and beyond the traditional legal assistance usually restricted to criminal cases, the rural populations must be helped to use the law as an instrument for the improvement of their rights. Although it is true that the law may be and has been used, misused and abused to institutionalize property and privilege, exploitation and inequality, it may also be properly used to establish social justice and equality, participation and autonomy. In order to do this, however, the law must be the will of the peoples themselves: the consecration of the right of participation in public affairs.

121. One must not lose sight of the fact that concern for justice and respect for human rights tends to argue in favour of a development strategy focused on rural populations. Irrespective of the extent of their information concerning their rights, they often have neither the means nor the resources needed to exercise them. Consequently, at the practical level, in view of the situation, the right to development cannot have a profound meaning for rural populations. In order to reverse this trend, the concept of the right to development can and should serve as a basis for the adoption of laws and procedures intended to eliminate conditions of underdevelopment or at the very least to help overcome the obstacles to development.

122. In view of the role of jurists in the development process, two questions arise in the context of the third world countries. First, how can one bridge the huge gap separating jurists from the overwhelming majority of the populations? Second, how can one help these populations to gain access to the legal resources necessary in order to enjoy the right to development? The answers to these questions hinge on the three components of "development, law and legal resources". With regard to development, the fundamental issue is that of the assistance to be given to the rural masses to enable them to determine their priorities themselves, to identify the obstacles to those priorities and to select the methods of achieving them. In other words, the development of the rural population presupposes that they take their destiny into their own hands and from this viewpoint the contribution of the law and jurists is desirable, and indeed vital.

123. On the question of law, it seems that most of the countries of the third world have copied the various branches of Western law. Further, this extraverted law is often used to maintain the status quo so that it frequently proves to be incapable of reflecting contemporary society and its aspirations. The law is not static, but changes with society and may serve to bring about change and progress. From this standpoint, the law may constitute a resource for rural populations with a view to bringing about a change in their conditions and for development in general.

124. Legal resources constitute the expertise and functional competence allowing those who work together and in co-operation with other groups to understand the legal system and to use it effectively in order to promote their objectives. They create and strengthen the incitement to and capacity for collective action with a view to promoting and defending common interests. The importance of a knowledge of the law as a vital element in the process culminating in collective self-sufficiency has been underscored. At the present time, in Africa, Asia and Latin America alike the introduction of legal assistance projects for the destitute populations of the rural areas is under way.

125. The impact of legal assistance on the economic and social development of rural populations is considerable. These populations will be in a position to make a constructive use of the favourable legal provisions capable of neutralizing unjust laws and practices, and even to become generators of rights and agents in social and civic life. A knowledge of his rights enables man to replace his feelings of alienation, resignation and dependence by a new awareness of his dignity and his rights—a precondition for self-sufficiency.

126. With regard to measures which could be taken on the national level to ensure that policies and procedures respect the right to development, attention was called to the seminar on the judiciary and human rights in Africa of the African Association of International Law, which was held in Banjul on 17 November 1989. That seminar made an appeal to African States and peoples to take measures for the promotion and protection of human rights, *inter alia*, (*a*) to democratize the national policy and institutions as a pre-condition and fundamen-

tal basis for the full enjoyment of civil, political, socio-economic and cultural rights; (*b*) to promote and raise the level of consciousness of the African peoples and to disseminate information on human rights; (*c*) to pay special attention to the situation of women, children, the aged and other disavantaged groups; (*d*) to guarantee the absolute independence and integrity of the judiciary; (*e*) to ensure equal access to legal aid, to the courts and other juridical and legal bodies; (*f*) to encourage the creation and effective functioning of independent bodies and non-governmental organizations for the promotion and protection of human rights at the national, regional and sub-regional level; (*g*) to ensure the independence and autonomy of the African Commission of Human and Peoples' Rights; (*h*) to guarantee the protection, well-being and security of refugees, migrants and stateless persons; (*i*) to give effect to the provision of the African Charter on Human and Peoples' Rights.

F. International dimensions of national development policies

127. It was pointed out that looking at national development policies from an international perspective revealed a contradiction between the actual global order as it functioned and the objective of real development based on interdependence. One dominant development thesis maintained that development is only possible through interdependence that is governed by the laws of the globalized economy, which is reduced to the concept of global opening to the "market". However, in fact the global markets for commodities, services, capital, technology and labour are all characterized by structural inequalities. Such markets, in which capital is mobile while labour alone is immobile, cannot harmonize social conditions and overcome world polarization. In this regard, one had to keep in mind the political, military and cultural dimensions of globalization which underlie inequalities in relations between States, nations and peoples; the balance of power in the world was evolving from one based on two super-Powers to one that was multipolar but excluded countries and regions of the Third World. The ideal of the right to development, which is based on the collective rights of peoples, nations and other forms of collectivities, could well be in contradiction with the structure of the global market which tends to benefit the centre at the expense of the periphery, that is the poorer countries. Unless these conflicting requirements are resolved at the level of collective entities such as regions, villages, families, minorities, women, etc., the right to self-determination will apply only to States and the right to development only to the centre.

VI. Realization of the right to development as a human right at the international level

128. A number of general and specific suggestions concerning the introduction of new international efforts and the co-ordination of existing activities were made during the Consultation's discussions. Many of these proposals were based on or have grown out of the text of the Declaration on the Right to Development which indeed addresses the issue; others foresaw more extensive mechanisms and procedures in order to give effect to the right to development.

129. In order to introduce and solidify human rights standards in the development process, a series of suggestions were made with regard to the ongoing and upcoming activities of international and regional organizations in the field of development. It was suggested that broad co-operation and co-ordination between intergovernmental and non-governmental institutions be established so that human rights would become a permanent factor in all economic, social and cultural programmes and development projects.

130. The Consultation was informed of the efforts of the Centre for Human Rights to strengthen the links between the human rights and development sectors of the United Nations system. The contribution of the human rights advisory services programme, in the form of training, technical assistance and dissemination of information, which is already being provided in this field and the increasing role and scope of this programme was also explained.

131. In addition, attention was drawn to a number of upcoming international events where human rights and the right to development could be placed on the respective agendas. These included the International Development Strategy for the Fourth United Nations Development Decade, the 1990 Special Session of the General Assembly devoted to International Economic Co-operation for Development, the 1990 Conference on the Least Developed Countries, and the 1992 Conference on Environment and Development. Through these means and other co-ordination efforts, human rights and the right to development could increasingly be incorporated into the policies and work programmes of Secretariat departments, regional economic commissions, and other research and executive organs of the United Nations, as well as those of the specialized agencies.

132. The issues for discussion in this wide range of international forums were said to include structural adjustment, external debt burdens, the marketing and pricing of export commodities, access to and sharing of technology, extreme

poverty and other aspects of the international economic system. All of these issues were said to require a human rights input. It was maintained that a linkage of this kind between human rights and economic issues so deeply affecting development would greatly facilitate and strengthen respect for human rights in general and the right to development in particular. The concept of human resources development, by its very nature and as part of international development strategies, was said literally to call for human rights components based on existing standards and government commitments.

133. In the context of international development work, the need for criteria or indicators for evaluating progress was addressed. While some participants preferred to emphasize the minimum conditions necessary for human survival, others felt that all human rights were essential to human development and that a short list or prioritization of rights should not be considered in relation to the realization of the right to development. An analysis of the qualitative aspects of changes in material conditions, such as food and shelter, was suggested, while making sure that an increase in material conditions would not be accompanied by a decrease in local control or self-reliance or by a significant growth of inequalities. Other participants stressed the importance of evaluating the process of development itself, not simply its results or fruits. References were made to a variety of factors such as access to basic resources, control of the work place, participation in decision-making concerning development, and the availability of information, which indicate the extent to which people are able to set their own goals for development, and to pursue them freely and participate actively in the process of realization.

134. The role of non-governmental organizations in the realization of the right to development was stressed. Their traditional and significant participation in international activities for the promotion of both human rights and development would be further strengthened, to the benefit of all, if they were effectively to link these two sectors of work under the umbrella of the right to development. To this end, it was generally considered that non-governmental organizations should increase co-operation and co-ordination among themselves, as well as with the intergovernmental community. Furthermore, contributions should be encouraged from as many non-governmental organizations as possible including those not in consultative status with the Economic and Social Council; this had been the case in the Global Consultation and was the practice of the Working Group on Indigenous Populations and had shown positive results.

VII. Conclusions and recommendations emerging from the global consultation

135. During the course of the global consultation numerous ideas and proposals were brought forward and discussed. It emerged clearly from the Consultation that the subject of the right to development as a human right was related in a complex and interdependent way to many other areas of human activity and that this complex interrelationship was only being gradually understood.

136. With regard to the Consultation itself, numerous participants welcomed the opportunity it provided to focus the attention of an audience reflecting a wide spectrum of world opinion on the problems and challenges posed by the implementation of the Declaration on the Right to Development. They also welcomed the participation and contribution of a number of agencies and organs of the United Nations system, including the United Nations Conference on Trade and Development (UNCTAD) and its Non-Governmental Organization Liaison Service, United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Refugees (UNHCR), Centre for Social Development and Humanitarian Affairs, United Nations Fund for Population Activities (UNFPA), United Nations Industrial Development Organization (UNIDO), United Nations Development Fund for Women (UNIFEM), Economic Commission for Europe (ECE), International Labour Organisation (ILO), World Bank, and International Monetary Fund (IMF) as well as for the participation of the Organization of African Unity and the Commission of the European Communities.

137. Participants expressed appreciation for the introductory statements made by the Under-Secretary-General for Human Rights, the Secretary-General of UNCTAD, the Chairman of the Working Group of Governmental Experts on the Right to Development, and the Secretary of the NGO Special Committee on Racism and Racial Discrimination, *Apartheid* and Decolonization; the presentation made by the Director-General for Development and International Economic Co-operation, in which he underscored the importance of the integration of human rights into the development process was particularly welcomed.

138. Appreciation was also expressed by the participants for the very valuable contribution made to the Consultation by the experts who presented papers on the Consultation's major themes.

139. Appreciation was also expressed for the documents submitted to the Consultation by speakers, participants and observers and in particular for the

background paper concerning the development of the principles in the Declaration on the Right to Development in the various United Nations human rights instruments and studies (HR/RD/1990/CONF.1) prepared for the Centre for Human Rights by Tamara Kunanayakam, who was also thanked for her work in preparing the Consultation.

140. Appreciation was also expressed for the various oral and written proposals concerning possible conclusions and recommendations (see for example conference papers 20, 32 and 37); particular appreciation was expressed for the proposals prepared by a number of participants from Africa, Asia and Latin America, and from indigenous peoples (HR/RD/1990/CONF.32), which offered a useful starting-point for the discussion of concrete recommendations.

141. Many participants expressed disappointment that a number of intergovernmental bodies with special responsibility in the field of development did not attend, including the General Agreement on Tariffs and Trade (GATT), World Health Organization (WHO), Food and Agricultural Organization (FAO), United Nations Environment Programme (UNEP), International Fund for Agricultural Development (IFAD), United Nations Centre on Transnational Corporations (UNCTC), World Intellectual Property Organization (WIPO), World Food Council (WFC), World Food Programme (WFP), UNICEF and UNESCO. The hope was expressed that they would take a more active role in future programmes and activities for the implementation of the right to development, and expressed the wish that special efforts would be made to inform these bodies of the report and recommendations of the Global Consultation; it was felt that only through the active co-operation of all could progress be made.

142. The specific conclusions and recommendations set out below found a wide echo among the participants. They are not exhaustive nor do they necessarily fully reflect the views of all the participants or the organizations represented. They may well provide the Commission on Human Rights and other United Nations bodies with a basis for considering action. This is a first step towards a better understanding of the right to development as a human right and the complexity of the subject will require many further analyses and discussions.

A. Conclusions

1. *The content of the right to development as a human right*

143. The right to development is the right of individuals, groups and peoples to participate in, contribute to, and enjoy continuous economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. This includes the right to effective participation in all aspects of development and at all stages of the decision-making process; the right to equal opportunity and access to resources; the right to fair distribution of the benefits of development; the right to respect for civil, political,

economic, social and cultural rights, and the right to an international environment in which all these rights can be fully realized. All of the elements of the Declaration on the Right to Development, including human rights, are complementary and interdependent, and they apply to all human beings, regardless of their citizenship.

144. Development is not only a fundamental right but a basic human need, which fulfils the aspirations of all people to achieve the greatest possible freedom and dignity, both as individuals and as members of the societies in which they live.

145. The human person is the central subject rather than a mere object of the right to development. The enjoyment of all civil, political, economic, social and cultural rights is both the necessary condition and aim of the right to development. Thus, States must not only take concrete steps to improve economic, social and cultural conditions and to facilitate the efforts of individuals and groups for that objective, but must do so in a manner that is democratic in its formulation and in its results. A development strategy that disregards or interferes with human rights is the very negation of development.

146. Recognition of the right to development and human rights in the national legal system is not sufficient in itself. States must also ensure the means for the exercise and enjoyment of these rights on a basis of equal opportunity.

147. Democracy at all levels (local, national and international) and in all spheres is essential to true development. Structural inequalities in international relations, as within individual countries, are obstacles to the achievement of genuine democracy and a barrier to development as defined by the Declaration. Fundamental to democratic participation is the right of individuals, groups, and peoples to take decisions collectively and to choose their own representative organizations, and to have freedom of democratic action, free from interference.

148. A major goal of democracy is to achieve a just social order. To be fully effective, democracy itself depends upon the existence of a just and democratic social order, including a fair distribution of economic and political power among all sectors of national society, and among all States and peoples and on the employment of such rights as freedom of expression, freedom of association and of free elections.

149. The concept of participation is of central importance in the realization of the right to development. It should be viewed both as a means to an end and as an end in itself. Measures formulated to promote the right to development must focus on the democratic transformation of existing political, economic and social policies and structures which are conducive to the full and effective participation of all persons, groups and peoples in decision-making processes. Special measures are required to protect the rights and ensure the full participation of particularly vulnerable sectors of society, such as children, rural people, and the extremely poor, as well as those which have traditionally experi-

enced exclusion or discrimination, such as women, minorities and indigenous peoples.

150. Participation, if it is to be effective in mobilizing human and natural resources and combating inequalities, discrimination, poverty and exclusion, must involve genuine ownership or control of productive resources such as land, financial capital and technology. Participation is also the principal means by which individuals and peoples collectively determine their needs and priorities, and ensure the protection and advancement of their rights and interests.

151. The right to development is related to the right to self-determination, which has many aspects, both individual and collective. It involves both the establishment of States and the operation of States once they have been established. The mere formation of a State does not in itself fully realize the right to self-determination, unless its citizens and constituent peoples continue to enjoy the right to their own cultural identity and to determine their own economic, social and political system through democratic institutions and actions, and the State genuinely enjoys continuing freedom of choice, within the bounds of international law. Universal respect for the principle of the non-use of force, is a fundamental condition for the full realization of the right to development.

2. *Human rights and development strategy*

152. The struggle for human rights and development is a global one that continues in all countries, "developed" and "developing", and must involve all peoples, including indigenous peoples, national, ethnic, linguistic and religious minorities, as well as all individuals and groups. International implementation and monitoring mechanisms must be of universal applicability.

153. Development strategies which have been oriented merely towards economic growth and financial considerations have failed to a large extent to achieve social justice; human rights have been infringed, directly and through the depersonalization of social relations, the breakdown of families and communities, and of social and economic life.

154. Development strategies which have relied too heavily on a centrally planned command economy, have excluded participation and have not provided opportunities for individuals and groups to take an active part in the economic life of the country have also often failed to achieve the realization of the right to development.

155. What constitutes "development" is largely subjective, and in this respect development strategies must be determined by the people themselves and adapted to their particular conditions and needs. No one model of development is universally applicable to all cultures and peoples. All development models, however, must conform to international human rights standards.

156. The world's future can only be ensured if the global environment is adequately protected and restored. In addition, all cultures and peoples form part

of the common heritage of humankind and have a dignity and value that must be respected. Both environmental and cultural considerations should therefore be an integral part of national, regional and international development strategies.

157. Indigenous peoples have been throughout history the victims of activities carried out in the name of national development. Their direct participation and consent in decisions regarding their own territories are thus essential to protect their right to development. In this regard, attention was drawn to the conclusions and recommendations of the "Seminar on the effects of racism and racial discrimination on social and economic relations between indigenous peoples and States", held at Geneva on 16-20 January 1989 (HR/PUB/89/5).

158. In order to reverse the situation of growing inequalities in the world, affirmative action in favour of the disadvantaged groups and increased assistance to disadvantaged countries will be required. The removal of barriers to economic activities, such as trade liberalization, is not sufficient.

159. Peace, development, and human rights are interdependent. Respect for and realization of human rights through the process of development is essential to national stability and the promotion of international peace and security. Development policies that disregard human rights, or which foster regional or international disparities, contribute to social, political and other conflicts and endanger international peace. The United Nations, based on the Charter's mandate to ensure international peace and security, thus has a major stake in the promotion of a development which respects human rights.

160. The United Nations should take the lead in implementation of the Declaration on the Right to Development. This means setting up mechanisms for ensuring the compatibility of all United Nations activities and programmes with the Declaration, according to its letter and intent. Development must be equitable from the viewpoint of the peoples, groups, and individuals affected.

3. *Obstacles to the implementation of the right to development as a human right*

161. Failure to respect the right of peoples to self-determination, and their right to permanent sovereignty over natural resources is a serious obstacle to the realization of the right to development as a human right.

162. Massive and flagrant violations of human rights, and such phenomena as racial discrimination, *apartheid* and foreign occupation are also serious barriers preventing the realization of the right to development as a human right.

163. Disregard for human rights and fundamental freedoms and in particular the right to development can lead to conflict and instability, which in turn may undermine the economic conditions needed for development through phenomena such as the diversion of resources to military or police forces, capital flight, the demobilization of human resources, increased national dependence, indebtedness, involuntary emigration and environmental destruction.

164. Democracy is an essential element in the realization of the right to development and the failure to implement and respect the principles of democratic government has been shown to present a serious obstacle to the realization of the right of development.

165. The adoption of inappropriate or destructive development strategies, sometimes on the pretext that human rights must be sacrificed in order to achieve economic development, has been a further obstacle to the realization of the right to development. Prevailing models of development have been dominated by financial rather than human considerations. These models largely ignore the social, cultural and political aspects of human rights and human development, limiting the human dimension to questions of productivity. They foster greater inequalities of power and control of resources among groups and lead to social tensions and conflicts. These tensions and conflicts are often the pretext used by States to justify placing restrictions on human rights, freedom of association, action, and participation, and this in turn intensifies conflicts and perpetuates the denial of the right to development. Corruption is also an obstacle to the realization of the right to development.

166. Transfer of control of resources located in developing countries to interests in developed countries which intensified in the 1980s is another obstacle to development. Similarly, the growing burden of indebtedness and structural adjustment falls heaviest on the poorest and weakest sectors of society and has clear human rights implications.

167. Failure to take into account the principles of the right to development in agreements between States and the World Bank, the International Monetary Fund, and commercial banks with regard to external debt repayment and structural adjustment, frustrates the full realization of the right to development and of all human rights. The prevailing terms of trade, monetary policy, and certain conditions tied to bilateral and multilateral aid, which are all perpetuated by the non-democratic decision-making processes of international economic, financial and trade institutions, also frustrate the full realization of the right to development as a human right.

168. Other obstacles to development can be found in the concentration of economic and political power in the most industrialized countries, the international division of labour and the functioning of the Bretton Woods institutions, the ''brain drain'' due to growing disparities in wages and income levels among countries, the restrictions on transfers of technology, certain forms of protectionism, and the adverse effects of the consumption patterns of the more industrialized countries. The implementation of the declaration on the right to development should seek to overcome these obstacles.

169. Lack of communication between specialists in human rights, social development and economics, within the United Nations Secretariat, United Nations missions and national Governments, the academic community and non-

governmental organizations, has impeded a full understanding of the Declaration of the Right to Development and its implementation.

4. *Criteria which might be used to measure progress*

170. The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration on Social Progress and Development, the Declaration on the Right to Development and other international human rights instruments constitute the basic framework for formulating the criteria for determining progress in the implementation of the right to development as a human right.

171. The formulation of criteria for measuring progress in the realization of the right to development will be essential for the success of future efforts to implement that right. Such criteria must address the process of development as well as its results; quality as well as quantity; the individual as well as social dimension of human needs; and material as well as intellectual and cultural needs. Both objective and subjective measurements must be included in any analysis.

172. These criteria for the right to development may be grouped under the following headings: conditions of life; conditions of work; equality of access to resources; and participation.

173. Conditions of life include basic material needs such as food, health, shelter, education, leisure and a safe and healthy environment as well as personal freedom and security. Care should be taken to account for quality as well as quantity. Food may be available abundantly, but may be nutritionally poor or culturally inappropriate. Schools may be numerous and free but respond only to material and economic objectives, and fail to provide an education which promotes the knowledge, the critical awareness, the analytical capability and the creativity necessary to enable human beings to shape their own environment.

174. Conditions of work include employment, extent of sharing in the benefits of work, income and its equitable distribution, and degree of participation in management. These factors relate not only to the amount of work and its remuneration, but also to the quality of work, worker control, and subjective elements of satisfaction and empowerment.

175. The degree of equality of opportunity of access to basic resources, as well as the fair distribution of the results of development are essential criteria for measuring progress in the implementation of the right to development. Relevant indicators therefore must include the relative prices, accessibility, and distribution of factors of productive resources such as land, water, financial capital, training and technology.

176. Significant inequalities in the enjoyment of these conditions and resources of development, whether they exist among regions, ethnic groups, social

classes, between men and women, or among different States, are incompatible with the right to development, in particular if they increase over time. Special attention therefore must be paid to the disaggregation of national statistics by relevant categories such as sex, ethnicity, socio-economic sectors and geographic regions.

177. Since participation is the right through which all other rights in the Declaration on the Right to Development are exercised and protected, the forms, quality, democratic nature, and effectiveness of participatory processes, mechanisms and institutions is the central and essential indicator of progress in realizing the right to development. At the international level, this applies to the equality and democratic character of intergovernmental bodies, including financial and trade institutions.

178. Relevant factors in assessing participatory processes include the representativity and accountability of decision-making bodies, the decentralization of decision-making, public access to information, and responsiveness of decision-makers to public opinion. The effectiveness of participation must also be assessed from a subjective perspective, based on the opinions and attitudes of the people affected—in other words, their confidence in leaders, feeling of empowerment, and belief that they are affecting decisions.

179. Participation is also the primary mechanism for identifying appropriate goals and criteria for the realization of the right to development, and assuring the compatibility of development activities with basic human and cultural values. This must be an on-going process at the local, regional, national and international levels, since the goals of development must be established for each level of development activity.

180. Publication of the criteria for measuring progress in implementing the right to development and the results of the evaluation of their usefulness is important to stimulating effective participation in the development process.

B. Recommendations for action

1. *Action by States*

181. All States engage in activities affecting the development process, both internally and in their relations with other States and peoples. The creation of national and international conditions in which the right to development can be realized fully is a responsibility of States, the international community, and of all peoples, other groups, and individuals.

182. All States should take immediate and concrete measures to implement the Declaration on the Right to Development. In particular, national policy and development plans should contain explicit provisions on the right to development and the realization of all human rights, especially the strengthening of democracy, together with specific criteria for evaluation. They should also iden-

tify the needs of groups which have experienced the greatest difficulties in access to basic resources and set specific goals for meeting their needs; establish mechanisms for ensuring participation in periodically assessing local needs and opportunities; and identify obstacles requiring international assistance or co-operation.

183. All States should take the necessary steps to strengthen their juridical systems including ensuring access by all on a non-discriminatory basis to legal remedies; particular attention should be paid to ensuring access to justice of the extremely poor and other vulnerable or disadvantaged groups.

184. All States should ensure that corporations and other entities under their jurisdiction conduct themselves nationally and internationally in a way that does not violate the right to development.

185. All States which have not yet done so should ratify the principal instruments in the field of human rights, in particular the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Discrimination in Education, as well as the relevant conventions of the International Labour Organisation, including Convention No. 87 (Freedom of Association), Convention No. 98 (Right to Organize), Convention No. 141 (Rural Workers) and Convention No. 169 (Indigenous and Tribal Peoples).

186. All States should renew their commitment to the implementation of the United Nations declarations which have been adopted in the field of social development, in particular the 1969 Declaration on Social Progress and Development, the Nairobi Forward-Looking Strategies on Women, Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, the Vienna International Plan of Action on Aging, the World Programme of Action Concerning Disabled Persons, Guidelines for Further Planning and Suitable Follow-up in the Field of Youth, decisions and recommendations of the United Nations Congresses on the Prevention of Crime and Treatment of Offenders.

187. All States should co-operate in creating an international economic and political environment conducive to the realization of the right to development, in particular through the democratization of decision-making in intergovernmental bodies and institutions that deal with trade, monetary policy, and development assistance, and by means of greater international partnership in the fields of research, technical assistance, finance and investment.

188. There is also a need for greater transparency in negotiations and agreements between States and international financial and aid institutions. This must include the publication and widest possible dissemination of proposed and final agreements concerning financial aid, credit, debt, repayment, and monetary policy.

2. *International Action*

189. The international community must renew its efforts to combat massive and flagrant violation of rights, racism and *apartheid*, and all remaining forms of colonization, and foreign occupation. Existing United Nations machinery for the promotion and protection of human rights must be further strengthened and additional resources provided to the Centre for Human Rights.

190. All United Nations activities (policy, operations, and research) related to the development process should have explicit guidelines, appraisal criteria, and priorities based upon the realization of human rights, including human rights impact assessments. Impact assessments should address the possible adverse effects of the proposed activity, temporary and long-term, on the full enjoyment of human rights by any sector of the national society; the contribution of the proposed activity to the full enjoyment of human rights by the population affected; and the establishment of participatory mechanisms for monitoring and evaluation.

191. Implementation of the Declaration on the Right to Development should be co-ordinated by the Centre for Human Rights, with at least one full-time specialist devoted to this task. Effective co-ordination should also include a full-time liaison officer on the staff of the Director-General for Development and International Economic Co-operation in New York, regular discussions within United Nations Conference on Trade and Development, in the Administrative Committee for Co-ordination and the Committee for Development Planning, and the establishment of focal points for the right to development and human rights in each development-related United Nations programme and agency.

192. United Nations bodies and specialized agencies should be requested to review their mandates and identify those areas of their activity and responsibility which are related to the right to development and other human rights. In addition, United Nations bodies and agencies, including related financial and trade institutions, should respect the International Covenants on Human Rights and other basic conventions in the field of human rights as if they themselves were parties.

193. United Nations supervisory bodies in the field of human rights, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, and the Committee on the Rights of the Child, should include special comments and recommendations regarding the right to development in their review of the periodic reports of States parties.

194. The Secretary-General should appoint a high level committee of independent experts from Europe, Latin America and the Caribbean, Africa, Western Asia, South and South East Asia, and the Asia-Pacific regions, with relevant direct experience in human rights and development, and serving in their per-

sonal capacities, to report annually to the General Assembly through the Commission on Human Rights and the Economic and Social Council, on progress made in the implementation of the Declaration at the national as well as international levels, based on information requested from Governments, intergovernmental bodies, and non-governmental organizations, as well as information received from all other sources. The Committee in carrying out its activities should ensure the effective participation of non-governmental organizations and groups active in development and human rights, including indigenous peoples, workers' organizations, women's groups, and other organizations.

195. The high level committee of experts should give priority to the formulation of criteria for the assessment of progress in the realization of the right to development; recommendations for a global strategy to achieve further progress in the enjoyment of this right; examination of reports and information regarding internal and external obstacles to its enjoyment, including as appropriate the role of transnational corporations; the identification of activities which may be incompatible with the right to development; and promoting wider knowledge and understanding of the right to development as a human right.

196. The design of appropriate indicators of progress should also be undertaken by the regional economic commissions, on the basis of national experience and in co-operation with the Commission on Social Development, United Nations Research Institute for Social Development, International Labour Organisation, other United Nations bodies and specialized agencies with relevant expertise and national universities. This process should also include the effective participation of representative organizations of disadvantaged and vulnerable peoples and groups, as well as workers' organizations and other organizations engaged directly in development programmes in the field.

197. All United Nations system assistance and co-operation should be provided through an overall programme of assistance which would facilitate monitoring, co-ordination and implementation of the right to development. This programme should include specific requirements regarding all aspects of the right to development in an appropriate environmental and cultural framework and should be drawn up with each country.

198. Successful implementation of the Declaration through United Nations system programmes and activities depends critically on the direct participation of representatives of the people and groups directly or indirectly affected through their own representative organizations, at all levels of decision-making. The United Nations overall assistance programme with individual countries should contain specific requirements regarding the establishment of mechanisms for assuring effective participation in their implementation and review.

199. The high level committee should initiate a programme of development education with particular emphasis on reaching grass-roots organizations working in the field of development at the community and local levels. This should include regional meetings on practical problems of implementation such

as mechanisms for ensuring and evaluating participation, methods for the assessment of progress in the enjoyment of the right to development, and ensuring sensitivity to issues of gender and culture, to facilitate dialogue among development agencies, international financial institutions, Governments, and the peoples and communities concerned. The Centre for Human Rights, International Labour Organisation, the Centre for Social Development and Humanitarian Affairs, United Nations Research Institute for Social Development, the regional economic commissions and other specialized agencies should take part in this programme.

200. Further research and studies should be undertaken within the United Nations system on strategies for the realization of the right to development, and criteria for assessing progress. This could include consultations at the regional level with independent experts and with representative organizations such as workers' organizations, including trade unions, and peasant organizations.

201. The report and recommendations of the Global Consultation should be taken into account in the International Development Strategy for the Fourth United Nations Development Decade, and should be placed on the agendas for the 1990 Special Session of the General Assembly devoted to International Economic Co-operation for Development, the 1990 United Nations Conference on the Least Developed Countries, and the 1992 United Nations Conference on Environment and Development.

202. This report, its recommendations, and conference papers should be published and given the widest possible distribution as a contribution to the debate on this complex subject. This should be done as part of the World Information Campaign for Human Rights, and in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations University, and national universities. Particular efforts should be undertaken to disseminate this report to workers' organizations, including trade unions, in co-operation with the International Labour Organisation, and to grassroots organizations in the fields of development and human rights. Effective use should be made of electronic as well as print media.

203. The Declaration on the Right to Development should be given the widest possible distribution in as many local languages as possible and should be published together with an explanation and commentary accessible to the general public.

204. The General Assembly should organize periodically a plenary debate on international co-operation for the full realization of the right to development, beginning if possible at its forty-fifth session.

205. The question of the implementation of the right to development as a human right should be placed on the agenda of the First and Second Committees of the Economic and Social Council and of the Second and Third Committees of the General Assembly on an annual basis.

3. *Action by non-governmental organizations*

206. Non-governmental organizations in the fields of human rights and development should make efforts to exchange information and co-ordinate, both within the United Nations system and in the field, and in particular with regard to the elaboration, implementation and assessment of national development plans.

207. Non-governmental organizations should play a leading role in the dissemination of information about human rights, including the right to development, and in stimulating national-level awareness and discussion in "developed" and "developing" countries alike.

ANNEXES

ANNEX I

List of attendance

I. Speakers and participants

Professor Georges ABI-SAAB	Professor at the Graduate Institute of International Studies, Geneva
Dr. Samir AMIN	Director, Forum du Tiers Monde, Dakar, Senegal
Ms. Tatjana ANSBACH	Assistant Professor, Humboldt Universität, Berlin, G.D.R.
Mr. Marcos ARRUDA	Co-ordinator, Alternative Policies on the Southern Cone of Latin America (PACS)
Ms. Phoebe MUGA ASIYO	Member of the Kenyan Parliament, Goodwill Ambassador of UNIFEM
Mr. Koffi ATTIGNON	Permanent Secretary, Association Africaine d'Education pour le Développement (ASAFED), Lomé, Togo
Ms. Edith BALLANTYNE	Secretary to the NGO Special Committee on Racism, Racial Discrimination, *Apartheid* and Decolonization
Dr. Russel BARSH	Lecturer, University of Washington, Seattle, Director, Four Directions Council
Mr. Antoine BLANCA	Director-General for Development and International Economic Co-operation, United Nations, New York
Professor Leonor BRIONES	College of Public Administration, University of the Philippines, President, Philippine Debt Coalition Network
Dr. Franklin CANELOS	Executive Secretary for Latin America, Community Development Service, Lutheran World Federation
Professor Antonio Augusto CONÇADO TRINDADE	Legal Advisor, Ministry of External Relations of Brazil
Mr. Kenneth K. S. DADZIE	Under-Secretary-General, Secretary-General of the United Nations Conference on Trade and Development
Dr. Kantilal L. DALAL	Rapporteur, Working Group of Governmental Experts on the Right to Development
Mr. Paul J. I. M. DE WAART	Professor, University of Amsterdam, Former member of the Working Group of Governmental Experts on the Right to Development
Mr. Clarence DÍAZ	International Centre for Law and Development, New York
Mr. Adama DIENG	Executive Secretary, International Commission of Jurists
Dr. Asbjørn EIDE	Director, Norwegian Institute for Human Rights, Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Professor C. M. Eya NCHAMA	Responsible for the Group of African History at the Graduate Institute of International Studies, Geneva
Professor Konrad GINTHER	Head, Institute of International Law and International Relations, University of Graz, Austria
Mr. Philippe HAMEL	ATD Fourth World
Professor Javier IGUIÑIZ	Centre for the Study and Promotion of Development (DESCO), Lima, Peru
Professor Vladimir KARTASHKIN	Institute of State and Law, Moscow
Mr. Jan MARTENSON	Under-Secretary-General for Human Rights, United Nations, Geneva
Chief Ted MOSES	Chief, Grand Council of the Crees of Quebec
Professor Alain PELLET	Professor at the University of Paris Nord and the Institute of Political Studies, Paris
Dr. Barney PITYANA	Director, Programme to Combat Racism, World Council of Churches, Geneva
Mr. Hans Pavia ROSING	Greenlandic Member of the Danish Parliament, Greenland, Denmark
Mr. Alioune SENE	Chairman, Working Group of Governmental Experts on the Right to Development, Permanent Representative of Senegal to the United Nations Office at Geneva
Mr. Tamás DE SZENTES	Professor, University of Budapest
Mr. Bala TAMPOE	General Secretary, Ceylon Mercantile, Industrial and General Workers' Union, Colombo, Sri Lanka
Professor Danilo TÜRK	Professor at the University of Ljubljana, Member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

II. United Nations bodies

Office of the United Nations High Commissioner for Refugees (UNHCR)	Mr. Taoufik OUANÉS Mr. Salvatore LOMBARDO
United Nations Centre for Social Development and Humanitarian Affairs	Mr. Henryk J. SOKALSKI
United Nations Conference on Trade and Development (UNCTAD)	Mr. K. K. DADZIE Mr. Michael ZAMMIT CUTAJAR Mr. Thierry LEMARESQUIER Mr. Tony HILL
United Nations Development Programme (UNDP)	Mr. E. YOUKEL Mr. Gérard BIRAUD Mr. Evlogui BONEU Ms. Phoebe ASIYO
United Nations Fund for Population Activities (UNFPA)	Mr. Bashir MUNTASSER
United Nations Department of Public Information	Mrs. Margherita BOBKA-AMODEO

III. Specialized agencies

International Monetary Fund (IMF)	Ms. H. B. JUNZ
	Mr. Robert SHEEHY
	Mr. Jack P. BARNOVIN
United Nations Organization for Industrial Development (UNIDO)	Mr. Giuseppe PAPULI
World Bank	Mr. Jean BANETH
International Labour Office (ILO)	Mr. H. T. DAO

IV. International organizations

Commission of the European Communities	Mr. André MOLLARD
Organization of African Unity	Mr. A. M. R. MOUKHTAR

V. Member States

ALGERIA	Mr. Messaoud AIT CHAALAL
	Mrs. Hania A. SEMICHI
ARGENTINA	Mr. Julio STRASSERA
	Mr. Alberto D'ALOTTO
AUSTRALIA	Mr. Bill BARKER
BANGLADESH	Mr. Harun UR RASHID
BHUTAN	Mr. Nadu RINCHHEN
BOLIVIA	Mr. Gonzalo DE ACHA PRADO
BRAZIL	Ms. Marília SARDENBERG ZELNER
BULGARIA	Mr. Dimitar KOSTOU
CAMEROON	Mr. François-Xavier NGOUBEYOU
CHINA	Mr. Shanxiu WU
COLOMBIA	Ms. Ligia GALVIS
CUBA	Mr. Pedro CAMPOS
	Ms. Marianella FERRIOL ECHEVARRÍA
CZECHOSLOVAKIA	Mr. Ivan PINTER
DEMOCRATIC KAMPUCHEA	Mr. Hac TEAM NGO
ECUADOR	Mr. Galo Leoro FRANCO
	Mr. Santiago APUNTE FRANCO
EGYPT	Mr. Sherif SAADALLAH
EL SALVADOR	Mr. Adalberto GONZÁLEZ
ETHIOPIA	Mr. Mairegu BEZABIH
	Mr. Nardos WORKU
FRANCE	Mr. Stephane GOMPERTZ
GABON	Mrs. Olga MOREL
	Mr. Leon LEKOUNDA-BOUMY
	Mr. Moulomba NZIENGUI
GERMANY, FEDERAL REPUBLIC OF	Mr. Goetz-Alexander MARTIUS
GREECE	Mr. Euripides KERKINOS
	Mr. Dimitris ILIOPOULOS
	Mr. Stylianos BEYS-KAMNAROKOS

HONDURAS	Mr. José Enrique MEJÍA UCLÉS
	Mr. César Enrique LÓPEZ
HUNGARY	Mr. István VARGA
	Mr. András GYURIS
INDIA	Mr. Prabhu DAYAL
INDONESIA	Mr. Poeng POERWANTO
IRAQ	Mr. Abdul MONEM
	Mr. Ahmed HOSSAIN
IRELAND	Mr. Colm O'FLOINN
IVORY COAST	Mr. Emmanuel NOUAMA
JAMAICA	Mr. Lloyd BARNETT
KENYA	Mr. Thomas A. OGADA
	Mr. C. K. MBURU
LEBANON	Mr. Hicham HAMDAN
LIBYAN ARAB JAMAHIRIYA	Mr. Ibrahim ABDUL-AZIZ OMAR
	Mrs. Husnya MARKHUS
MALTA	Mr. Charles VELLA
MEXICO	Ms. Adela FUCHS
	Mr. Gustavo ALBIN
MOROCCO	Mr. Moustapha JEBARI
NETHERLANDS	Mr. Henry WAGENMAKERS
NIGERIA	Mr. Scott O. E. OMENE
PAKISTAN	Mr. Ahmad KAMAL
	Mr. Muhammad ASLAM KHAN
PARAGUAY	Mr. Louis GONZÁLEZ ARIAS
PERU	Mr. Jaime STIGLICH
	Mr. Fernando QUIROZ
PHILIPPINES	Mrs. Victoria S. BATACLAN
POLAND	Mr. Bogumil SUJKA
	Mr. Andrzej TOWPIK
	Mr. Robert GASIOR
PORTUGAL	Mr. Antonio COSTA LOBO
SENEGAL	Mr. Moussa BOCAR LY
SOMALIA	Mr. Mahamed ISSE
SUDAN	Mr. Ahmed GUBART-ALLA
	Mr. Omar EL TURABI
SWEDEN	Mr. Mikael DAHL
TUNISIA	Mr. Youssef MOKADDEM
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	Mr. John SANKEY
VENEZUELA	Mrs. Maria Esperanza RUESTA DE FURTER
	Ms. Jenny CLAUWAERT
ZIMBABWE	Mr. Simon CHISOROCHENGWE

VI. Non-member States

REPUBLIC OF KOREA	Mr. Chong HOON KIM

VII. Non-governmental organizations in consultative status

Associated Country Women of the World	Ms. Marianne Y. de Szoeczy Mrs. Meg Berruex Bryant
Baha'i International Community	Mr. Wytze Bos
Friends World Committee For Consultation (Quakers United Nations Office)	Mr. Sam Daws
Grand Council of the Crees	Mr. Ted Moses Mr. Robert Epstein
Human Internet (Harvard)	Mr. John W. Spellman Ms. Caroline Dommen
Indian Council of South America	Ms. Beatriz Ahiaba
Institute of International Law	Mr. Ragnar Hallgren
Inter-Parliamentary Union	Mr. Louri Klioukine
International Alliance of Women	Ms. Irmgard Rimondini
International Commission of Jurists	Ms. Ilka Bailey-Wiebecke Mr. Reed Brody
International Confederation of Free Trade Unions	Mr. Guy Ryder
International Council of Jewish Women	Ms. Andrée Farhi
International Council on Social Welfare	Ms. Anne Herdt
International Federation of Human Rights	Mr. Antoine Bernard
International Federation Terre des Hommes	Mr. Eylah Kadjar-Hamuuda
International Federation of Women Lawyers	Ms. Héléne Pfander
International Fellowship of Reconciliation	Mr. René Wadlow
International Juridical Organization	Mr. Paolo Salvia
International League for the Rights and Liberation of Peoples	Ms. Jacqueline Duroure Ms. Verena Graf Ms. Isabelle Schulte-Tenckhoff
International Movement A.T.D. Fourth World	Ms. Eugène M. J. Notermans
International Organization for the Elimination of all Forms of Racial Discrimination	Mr. Firyal Odeh
International Organization of Indigenous Resource Development	Mr. Harrison Bull
International Women's Council	Ms. Rolande Gaillard
International Work Group of Indigenous Affairs	Ms. Judy Sayers
Inuit Circumpolar Conference	Ms. Mary Simon
Minority Rights Group	Ms. Tica Broch
National Aboriginal and Islander Legal Services Secretariat	Mr. Paul Coe
Pax Christi International	Ms. Marianne Nussbaumer
Soroptimists International	Ms. Sonia Heptonstall
Women's International Democratic Federation	Ms. Rosemarie Sinniger
Women's International League for Peace and Freedom	Ms. Jenny Pryke Ms. Janet Bruin
World Confederation of Labour	Mr. Blaise Robel
World Council of Churches	Mr. James Mutambirwa Dr. Lavi Oración

World Federation of Trade Unions	Mr. Albert Potapov Mr. Daniel Retureau
World University Service	Mr. Laksiri Fernando
Zonta International	Ms. Danielle Bridel

VIII. Other non-governmental organizations

Afrique Secours	Mr. Kakoma-Aon Ntambu
Antenna Internationale	Mr. Denis von der Weid
Human Rights Media Service	Mr. Bernard D. Dorkenoo
International Service for Human Rights	Mr. Adrien-Claude Zoller Mr. Roger Peter Davies

ANNEX II

Documentation

I. Papers presented by speakers and participants

Symbol: HR/RD/1990/CONF.

1. Historical analysis of the principles contained in the Declaration on the Right to Development, background paper prepared for the Centre for Human Rights by Ms. Tamara Kunanayakam
2. The right to development and the welfare of society, submitted by Mr. Asbjørn Eide
3. Contribution of the International League for the Rights and the Liberation of Peoples
4. Contribution of the Inter-Parliamentary Union to the implementation of the United Nations Declaration on the right to development
5. The creation of norms on development in international law, submitted by Mr. Alain Pellet
6. The functions of the right to development: a right to self-realization, submitted by Mr. Alain Pellet
7. The International Labour Organisation and the right to development, submitted by the ILO
8. Contribution of the International Council of Jewish Women
9. Right to development: Whose right, what development and how, under what conditions to exercise it? Submitted by Mr. Tamás de Szentes
10. Disarmament and the right to development, submitted by Mr. Rais A. Touzmohammadov
11. Human rights, human resources and the international development strategy for the 1990s, submitted by Mr. Russel Barsh
12. Respect for the individual's human rights and the realization of the right to development, submitted by Mr. Danilo Türk
13. Development as a human right, submitted by the World Bank
14. The impact of the external debt and adjustment policies on the realization of the right to development as a human right, submitted by Ms. Leonor Briones
15. Implementing the neo-principle on the right to development: combining human rights with State rights, submitted by Mr. J. I. M. De Waart
16. Intermediate structures and groups in the context of development as a human right, submitted by Mr. Konrad Ginther
17. Popular participation and the realization of the right to development as a human right, submitted by Mr. Javier Iguiñiz
18. Indigenous peoples and international development policies, submitted by Chief Ted Moses
19. Implementation and further enhancement of the Declaration on the Right to Development, submitted by Ms. Tatjana Ansbach
20. Suggestions, joint statement by 11 NGOs

21. The role of education in the promotion of development as a human right, submitted by the World University Service

22. Right to development as a human right in the context of relations between developing and developed countries, submitted by Mr. C. M. Eya Nchama

23. Massive flagrant violations of human rights of peoples and human beings and the realization of the right to development as a human right, submitted by Mr. Vladimir Kartashkin

24. National development and the realization of the right to development as a human right, submitted by Mr. Samir Amin

25. Indigenous peoples and the right to development as a human right, submitted by Mr. Harrison Bull

26. Indigenous peoples and the right to development: an Inuit perspective, submitted by Ms. Mary Simon

27. Impact of *apartheid* on the right to development as a human right, submitted by Dr. James Mutambirwa

28. Children and the right to development, submitted by the International Federation Terre des Hommes

29. People and the debt crisis: challenge for NGOs, submitted by the Special NGO Committee on Development

30. Development and human rights in the Lomé Convention, submitted by the Commission of European Communities

31. Development through indigenous resources, submitted by Mr. J. W. Spellman, PhD

32. Proposals for the implementation of the Declaration on the right to development, submitted by a number of participants from Africa, Asia, Latin America and indigenous peoples

33. The Banjul appeal to African States and peoples on the promotion and protection of human rights, submitted by the International Movement for Fraternal Union among Races and Peoples

34. List of participants

35. International financial and trade institutions and the right to development as a human right, submitted by Mr. Franklin Canelos

36. Legal dimensions of the right to development as a human right: some conceptual aspects, submitted by Mr. Antonio A. Cançado Trindade

37. Proposal for conclusions and recommendations, submitted by Mr. Asbjørn Eide

38. The right to development must also address indigenous peoples and economies, submitted by Mr. Paul Coe

39. Statement on behalf of the panel of eminent persons convened by the Secretary-General, submitted by the United Nations Centre for Science and Technology for Development in New York

40. Science, technology and development: the imperative of social innovation, a declaration of present and former members of the Advisory Committee on Science and Technology for Development on the occasion of the tenth anniversary of the Vienna Programme of Action

41. Development co-operation in the 1990s: policy statement by the members of the Development Assistance Committee (DAC), aid ministers and heads of aid agencies, submitted by the Organisation for Economic Co-operation and Development

42. Recommendation 962 (1983) on development co-operation and human rights, submitted by the Council of Europe

43. European public campaign on North-South interdependence and solidarity, submitted by the Council of Europe

44. Instrument concerning rights of indigenous peoples, submitted by the Organization of American States

45. Some proposals related to criteria, submitted by Mr. Marcos Arruda

46. Grande pauvreté et droit au développement, submitted by the International Movement A.T.D. Fourth World

47. Individual Human Persons as a Subject of the Right to Development, submitted by Mr. Upendra Baxi

48. Services juridiques en milieu rural et droit au développement, submitted by Mr. Adama Dieng, Executive Secretary, International Commission of Jurists

II. Statements made during the Consultation

Symbol: HR/RD/1990/Misc	
Misc.1	Opening statement by Mr. Jan Martenson, Director-General of the United Nations Office at Geneva and Under-Secretary-General for Human Rights
Misc.2	Statement by Mr. Antoine Blanca, Director-General for Development and International Economic Co-operation
Misc.3	Statement by H. E. Dr. Galo Leoro F., Ambassador of the Permanent Mission of Ecuador to the United Nations Office at Geneva
Misc.4	Statement by H. E. Alioune Sene, Ambassador of the Permanent Mission of Senegal to the United Nations Office at Geneva
Misc.5	Statement by Mr. Bashir S. Muntasser, Representative of the United Nations Fund for Population Activities
Misc.6	Statement by Ms. Edith Ballantyne, Secretary of the NGO Special Committee on Racism, Racial Discrimination, *Apartheid* and Decolonization
Misc.7	Statement by Ms. Phoebe Asiyo, Representative of the United Nations Development Fund for Women

III. Reference documents

A/44/229-E/1989/60	Human resources development and the activities of the United Nations system in that field, report by the Secretary-General
E/CN.4/1985/10	Popular participation in its various forms as an important factor in development and in the full realization of human rights. Study by the Secretary-General
E/CN.4/1989/NGO/13 E/CN.4/1989/NGO/42 E/CN.4/Sub.2/1989/NGO/9	Written statements submitted by the International League for the Rights and Liberation of Peoples to the Commission on Human Rights and Sub-Commission on Prevention of Discrimination and Protection of Minorities

ANNEX III

Declaration on the Right to Development

Adopted by General Assembly resolution 41/128 of 4 December 1986

The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural and humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that Declaration can be fully realized,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and co-operation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, *apartheid*, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, *inter alia*, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfilment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

3. States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfil their duties in such a

manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from *apartheid*, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent: equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

Article 9

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.

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